JANUARY 1992

SPECIAL SESSION

OF THE FIFTY-SECOND LEGISLATURE

January 6, 1992, through January 14, 1992

HISTORY AND FINAL STATUS

LAWS OF MONTANA -- SESSION LAWS

MONTANA CODE ANNOTATED -- STATUTE TEXT



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JANUARY 1992

SPECIAL SESSION

OF THE FIFTY-SECOND LEGISLATURE

January 6, 1992, through January 17, 1992

HISTORY AND FINAL STATUS

LAWS OF MONTANA — SESSION LAWS

MONTANA CODE ANNOTATED — STATUTE TEXT

PLEASE RETURN

OFFICERS AND MEMBERS OF THE MONTANA SENATE 1992

50 Members

29 Democrats 21 Republicans

OFFICERS

President Joseph P. Mazurek
President Pro Tempore J.D. Lynch
Majority Leader Fred Van Valkenburg
Majority Whip Paul Svrcek
Minority Leader Bruce Crippen
Minority Whip Thomas Keating
Secretary of the Senate Dave Hunter

MEMBERS

Name	Residence of Mailing Address	Dist No	County of Residence	Party
Aklestad, Gary C.	P.O. Box 32, Galata, 59444	6	Toole	Republican
Anderson, Jr., John H.	P.O. Box 86, Alder, 59710	37	Madison	Republican
Beck, Thomas A. (Tom)	651 Greenhouse Rd, Deer Lodge, 59722	24	Powell	Republican
Bengtson, Esther G.	8124 Clark Rd, Shepherd, 59079	49	Yellowstone	Democratic
Bianchi, Don	490 Secretariat Circle, Belgrade, 59714	39	Gallatin	Democratic
Blaylock, Chet	502 Third Ave, Laurel, 59044	43	Yellowstone	Democratic
Brown, Robert (Bob)	333 Cougar Trl, Whitefish, 59937	2	Flathead	Republican
Bruski-Maus, Betty	Box 234, Wibaux, 59353	12	Wibaux	Democratic
Burnett, James H. (Jim)	P.O. Box 4460, Luther, 59051	42	Carbon	Republican
Christiaens, B.F. (Chris)	709 4th Ave N, Great Falls, MT 59401	18	Cascade	Democratic
Crippen, Bruce D.	P.O. Box 80747, Billings, 59108-0747	45	Yellowstone	Republican
Devlin, Gerry	P.O. Box 186, Terry, 59349	13	Prairie	Republican
Doherty, Steve	1531 3rd Ave SW, Great Falls, 59404	20	Cascade	Democratic
Eck, Dorothy	10 W Garfield, Bozeman, 59715	40	Gallatin	Democratic
Farrell, William E. (Bill)	Box 8305, Missoula, 59807	31	Missoula	Republican
Franklin, Eve	4021 4th Ave S, Great Falls, 59405	17	Cascade	Democratic
Fritz, Harry	675 E Central Ave, Missoula, 59801	28	Missoula	Democratic
Gage, Delwyn	P.O. Box 787, Cut Bank, 59427	5	Glacier	Republican
Grosfield, Lorents	HC 87, Box 2145, Big Timber, 59011	41	Sweet Grass	Republican
Hager, Thomas O. (Tom)	150 Norris Ct, Billings, 59105	48	Yellowstone	Republican
Halligan, Mike	P.O. Box 9121, Missoula, 59807	29	Missoula	Democratic
Hammond, H. W. (Swede)	P.O. Box 1366, Malta, 59538	9	Phillips	Republican
Harding, Ethel M.	P.O. Box 251, Polson, 59860	25	Lake	Republican
Harp, John G.	53 Willow Dr, Kalispell, 59901	4	Flathead	Republican
Hockett, Bob	Shambo Rte Box 306, Havre, 59501	7	Hill	Democratic
Jacobson, Judy H.	330 Blacktail Canyon Rd, Butte, 59701	36	Silver Bow	Democratic
Jergeson, Greg	RR 71 Box 8, Chinook, 59523	8	Blaine	Democratic
Keating, Thomas F.	P.O. Box 20522, Billings, 59104	44	Yellowstone	Republican
Kennedy, Jr., John (Ed)	5567 Montana Hwy 35, Kalispell, 59901	3	Flathead	Democratic
Koehnke, Francis	P.O. Box 692, Townsend, 59644	16	Broadwater	Democratic
Lynch, John (J. D.)	527 W Mercury, Butte, 59701	34	Silver Bow	Democratic
Mazurek, Joseph P.	516 Hayes, Helena, 59601	23	Lewis & Clark	Democratic
Nathe, Dennis G.	P.O. Box 4, Redstone, 59257	10	Sheridan	Republican
Noble, Jerry	712 Central W, Great Falls, 59404	21	Cascade	Republican
Pinsoneault, Richard J.	P.O. Box 250, St. Ignatius, 59865	27	Lake	Democratic
Pipinich, Bob	4430 Hwy 200 Marshall Grade, Missoula, 59802	33	Missoula	Democratic

Rea, Jack (Doc)	2255 Madison Rd, Three Forks, 59752	38	Gallatin	Democratic
Rye, David	2211 Oak St, Billings, 59102	47	Yellowstone	Republican
Stimatz, Lawrence G.	P.O. Box 3762, Butte, 59702	35	Silver Bow	Democratic
Svrcek, Paul S.	P.O. Box 1392, Thompson Falls, 59873	26	Sanders	Democratic
Swift, Bernie A.	236 Rose Ln, Hamilton, 59840	32	Ravalli	Republican
Thayer, Gene	1200 32 St S Apt 2, Great Falls, 59405	19	Cascade	Republican
Towe, Thomas E. (Tom)	P.O. Box 30457, Billings, 59107	46	Yellowstone	Democratic
Tveit, Larry J.	RR 1 Box 1475, Fairview, 59221	11	Richland	Republican
Van Valkenburg, Fred R.	219 University, Missoula, 59801	30	Missoula	Democratic
Vaughn, Eleanor L.	251 Mahoney Rd, Libby, 59923	1	Lincoln	Democratic
Waterman, Mignon	530 Hazelgreen Place, Helena, 59601	22	Lewis & Clark	Democratic
Weeding, Cecil F.	P.O. Box 78, Jordan, 59337	14	Garfield	Democratic
Williams, Bob	P.O. Box 390, Hobson, 59452	15	Judith Basin	Democratic
Yellowtail, Bill	P.O. Box 308, Wyola, 59089	50	Big Horn	Democratic

OFFICERS AND MEMBERS OF THE MONTANA HOUSE OF REPRESENTATIVES 1992

100 Members

61 Democrats 39 Republicans

OFFICERS

Speaker Hal Harper
Speaker Pro Tempore Dave Brown
Majority Leader Jerry Driscoll
Majority Whip Paula Darko
Minority Leader John Mercer
Minority Whip Larry Grinde
Chief Clerk of the House Joyce Andrus

MEMBERS

Name	Residence of Mailing Address	Dist No	County of Residence	Party
Bachini, Bob	409 19th St, Havre, 59501	14	Hill	Democratic
Bardanouve, Francis	P.O. Box 367, Harlem, 59526	16	Hill	Democratic
Barnett, Joe	204 N Davis, Belgrade, 59714	76	Gallatin	Republican
Barnhart, Beverly	614 S 6th, Bozeman, 59715	80	Gallatin	Democratic
Beck, Gary	93 East Side Rd, Deer Lodge, 59722	48	Lewis & Clark	Democratic
Becker, Arlene	1440 Lewis Ave, Billings, 59102	91	Yellowstone	Democratic
Benedict, Steve	P.O. Box 668, Hamilton, 59840	64	Ravalli	Republican
Bergsagel, Ernest	HC 84 Box 8045, Malta, 59538	17	Valley	Republican
Boharski, William E.	P.O. Box 2965, Kalispell, 59901	4	Flathead	Republican
Bradley, Dorothy	919 W Lamme, Bozeman, 59715	79	Gallatin	Democratic
Brooke, Vivian M.	1610 Madoline Ave, Missoula, 59801	56	Missoula	Democratic
Brown, Dave	3040 Ottawa, Butte, 59701	72	Silver Bow	Democratic
Brown, Jan	906 Madison Ave, Helena, 59601	46	Lewis & Clark	Democratic
Clark, Robert C.	P.O. Box 262, Ryegate, 59074	31	Wheatland	Republican
Cobb, John	P.O. Box 388, Augusta, 59410	42	Lewis & Clark	Republican
Cocchiarella, Vicki	535 Livingston Ave, Missoula, 59801	59	Missoula	Democratic
Cody, Dorothy A.	P.O. Box 973, Wolf Point, 59201	20	Roosevelt	Democratic
Cohen, Ben	P.O. Box 1657, Whitefish, 59937	3	Flathead	Democratic
Connelly, Mary Ellen	3315 Whitefish Stage, Kalispell, 59901	8	Flathead	Democratic
Cromley, Brent R.	235 Park Hill Dr, Billings, 59101	94	Yellowstone	Democratic
Daily, Fred (Fritz)	1057 W Steel, Butte, 59701	69	Silver Bow	Democratic
Darko, Paula A.	P.O. Box 490, Libby, 59923	2	Lincoln	Democratic
Davis, Ervin	P.O. Box 63, Charlo, 59824	53	Lake	Democratic
DeBruycker, Jane	P.O. Box 7700, Dutton, 59433	11	Teton	Democratic
DeBruycker, Roger	SR Box 8, Floweree, 59440	13	Choteau	Republican
Dolezal, Edward J.	3236 Fifth Ave S, Great Falls, 59405	34	Cascade	Democratic
Dowell, Tim	46 West View Dr, Kalispell, 59901	5	Flathead	Democratic
Driscoll, Jerry L.	4344 Stone St, Billings, 59101	92	Yellowstone	Democratic
Elliott, Jim	100 Trout Creek Rd, Trout Creek, 59874	51	Sanders	Democratic
Ellis, Jr., Alvin A.	Rt 1, P.O. Box 4840, Red Lodge, 59068	84	Carbon	Republican
Ellison, Orval S.	HC 59 Box 106, McLeod, 59052	81	Park	Republican
Fagg, Russell	221 Ave E, Billings, 59101	89	Yellowstone	Republican
Feland, Gary	215 11th Ave N, Shelby, 59474	12	Toole	Republican
Forrester, Gary	2527 Gardiner St R 8, Billings, 59101	98	Yellowstone	Democratic
Foster, Mike	P.O. Box 126, Townsend, 59644	32	Broadwater	Republican
Galvin, Patrick G.	105 29th Ave NW, Great Falls, 59404	40	Cascade	Democratic
Gervais, Floyd (Bob)	P.O. Box 1810, Browning, 59417	9	Glacier	Democratic

Gilbert, Bob	P.O. Drawer 1228, Sidney, 59270	22	Richland	Republican
Gould, R. Budd	2205 S Fifth W, Missoula, 59801	61	Missoula	Republican
Grady, Edward J. (Ed)	Star Route, Canyon Creek, 59633	47	Lewis & Clark	Republican
Grinde, Larry Hal	RR 3, Lewistown, 59457	30	Fergus	Republican
Hansen, Stella Jean	841 Woodford St, Missoula, 59801	57	Missoula	Democratic
Hanson, H. S. (Sonny)	2237 Green Terrace Dr, Billings, 59102	87	Yellowstone	Republican
Hanson, Marian W.	P.O. Box 237, Ashland, 59003	100	Powder River	Republican
Harper, Hal	9 Comstock Rd, Helena, 59601	44	Lewis & Clark	Democratic
Harrington, Dan W.	1201 N Excelsior, Butte, 59701	68	Silver Bow	Democratic
Hayne, Harriet	P.O. Box 285, Dupuyer, 59432	10	Pondera	Republican
Hoffman, David	2720 Hwy 287, Sheridan, 59749	74	Madison	Republican
Johnson, John	124 Gresham, Glendive, 59330	23	Dawson	Democratic
Johnson, Royal C.	2915 Illinois, Billings, 59102	88	Yellowstone	Republican
Kadas, Mike	922 Taylor, Missoula, 59802	55	Missoula	Democratic
Kasten, Betty Lou	HC 77 Box A-14, Brockway, 59214	28	McCone	Republican
Keller, Vernon V.	HC 55 Box 355, Fishtail, 59028	83	Stillwater	Republican
Kilpatrick, Thomas E. (Tom)	814 First Ave Box 546, Laurel, 59044	85	Yellowstone	Democratic
Kimberley, Bervyl C. (Berv)	2511 Wyoming Ave, Billings, 59102	90	Yellowstone	Democratic
Knox, Dick	HCR Box 14, Winifred, 59489	29	Fergus	Republican
Larson, Don	P.O. Box 285, Seeley Lake, 59868	65	Missoula	Democratic
Lee, Thomas N.	P.O. Box 261, Bigfork, 59911	49	Lake	Republican
Madison, James	Jefferson City, 59638	75	Jefferson	Democratic
McCaffree, Ed	P.O. Box 1354, Forsyth, 59327	27	Rosebud	Democratic
McCarthy, Bea	1906 Ogden, Anaconda, 59711	66	Deer Lodge	Democratic
McCulloch, Scott T.	611 Tabriz Dr, Billings, 59105	96	Yellowstone	Democratic
Measure, Bruce	P.O. Box 918, Kalispell, 59903	6	Flathead	Democratic
Menahan, William T. (Red)	1304 W Fifth, Anaconda, 59711	67	Deer Lodge	Democratic
Mercer, John A.	P.O. Box 450, Polson, 59860	50	Lake	Republican
Messmore, Charlotte K.	14 20th St S, Great Falls, 59401	38	Cascade	Republican
Nelson, Linda J.	HC 51 Box 30, Medicine Lake, 59247	19	Sheridan	Democratic
Nelson, Thomas E.	1116 Moon Valley Rd, Billings, 59105	95	Yellowstone	Republican
Nisbet, Jerry	1401 Park Garden Rd, Great Falls, 59401	35	Cascade	Democratic
O'Keefe, Mark	531 Power St, Helena, 59601	45	Lewis & Clark	Democratic
Pavlovich, Robert J. (Bob)	1375 Harrison Ave, Butte, 59701	70	Silver Bow	Democratic
Peck, Ray	729 Fourth Ave, Havre, 59501	15	Hill	Democratic
Peterson, Mary Lou	234 Glen Lake Dr, Eureka, 59917	1	Lincoln	Republican
Phillips, John E.	1200 32nd St S #61, Great Falls, 59405	33	Cascade	Republican
Quilici, Joe	3040 Kossuth, Butte, 59701	71	Silver Bow	Democratic
Raney, Bob	212 S Sixth St, Livingston, 59047	82	Park	Democratic
Ream, Robert R. (Bob)	5950 Wildcat Rd, Missoula, 59802	54	Misoula	Democratic
Rice, Jim	1525 Williamsburg Rd, Helena, 59601	43	Lewis & Clark	Republican
Rice, Sheila	1501 4th Ave N, Great Falls, 59401	36	Cascade	Democratic
Russell, Angela	P.O. Box 333, Lodge Grass, 59050	99	Big Horn	Democratic
Schye, Ted	N Star Route, Glasgow, 59230	18	Valley	Democratic
Scott, John F.	P.O. Box 58, Ballantine, 59006	97	Yellowstone	Democratic
Simpkins, Richard D.	1221 Park Garden Rd, Great Falls, 59404	39	Cascade	Republican
Southworth, Jim	3843 Sandpiper Lane, Billings, 59102	86	Yellowstone	Democratic
Spring, Wilbur	2383 Penwell Bridge Rd, Belgrade, 59714	77	Gallatin	Republican
Squires, Carolyn M.	2111 S Tenth St W, Missoula, 59801	58	Missoula	Democratic
Stang, Barry (Spook)	142 Montana Hwy 135 S, St. Regis, 59866	52	Mineral	Democratic
Steppler, Don	P.O. Box 431, Brockton, 59213	21	Richland	Democratic
Stickney, Jessica	2206 Main St, Miles City, 59301	26	Custer	Democratic
Strizich, William S. (Bill)	736 27th Ave NE, Great Falls, 59404	41	Cascade	Democratic
Swysgood, Charles	506 S Atlantic, Dillon, 59725	73	Beaverhead	Republican
Thott, Bob	1520 S Burnt Fork Rd, Stevensville, 59870	63	Ravalli	Republican
Thomas, Fred	3566 Holy Lane, Stevensville, 59870	62	Ravalli	Republican
Toole, Howard	1625 McDonald, Missoula, 59801	60	Missoula	Democratic
Tunby, Rolph	Box 56, Plevna, 59344	24	Fallon	Republican
Wallin, Norm	2422 Springcreek Dr, Bozeman, 59715	78	Gallatin	Republican
Wanzenried, David E.	435 3rd Ave NE, Kalispell, 59901	7	Flathead	Democratic
Whalen, Timothy J.	101 Avenue C, Billings, 59101	93	Yellowstone	Democratic
Wyatt, Diana E.	300 31st St S, Great Falls, 59405	37	Cascade	Democratic
Zook, Tom	c/o Broadus Stage, Miles City, 59301	25	Custer	Republican

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HISTORY AND FINAL STATUS

of Bills and Resolutions

of the

Senate

and

House of Representatives

of the State of Montana

Fifty-Second Legislature

In Special Session

Held at Helena, the Seat of Government
January 6, 1992, through January 17, 1992

JOSEPH P. MAZUREK
President of the Senate

HAL HARPER
Speaker of the House

Dave Hunter
Secretary of the Senate

Joyce Andrus
Chief Clerk of the House

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SPONSOR LIST OF LEGISLATION

KLESTAD, GARY
SB 4

ARDANOUVE, FRANCIS
HB 1 HB 11 HB 20 HB 21 HJR 2

LAYLOCK, CHET
SB 5

ROWN, BOB
SB 3

ROWN, DAVE
HB 17

OHEN, BEN
HB 15 HB 16

ONNELLY, MARY ELLEN
HB 12 HB 13

EPARTMENT OF ADMINISTRATION
SB 1

EPARTMENT OF REVENUE
SB 3

ILBERT, BOB
HB 14 HJR 1

ARP, JOHN
SB 1

ARPER, HAL
HB 19

ONG-RANGE PLANNING APPROPRIATIONS SUBCOMMITTEE
HB 12 HB 13

AZUREK, JOE
SB 2

FFICE OF BUDGET & PROGRAM PLANNING
HB 2 HB 3 HB 4 HB 5 HB 6 HB 7 HB 8
HB 9 HB 10

EVENUE OVERSIGHT COMMITTEE
HB 14 HJR 1

SECRETARY OF STATE & DEPARTMENT OF JUSTICE
SB 2

THOFT, BOB
HB 2 HB 3 HB 4 HB 5 HB 6 HB 7 HB 8
HB 9 HB 10

WANZENRIED, DAVID
HB 18

GRAND TOTALS

INTRODUCED

HOUSE	23
SENATE	5
TOTAL	28

PASSED

HOUSE	17
SENATE	4
TOTAL	21

VOTED DOWN, INDEFINITELY POSTPONED

HOUSE	3
SENATE	1
TOTAL	4

TABLED IN COMMITTEE

HOUSE	2
SENATE	0
TOTAL	2

DIED IN COMMITTEE (no action taken)

HOUSE	1
SENATE	0
TOTAL	1

DIED IN PROCESS

HOUSE	0
SENATE	0
TOTAL	0

VETOED

HOUSE	0
SENATE	0
TOTAL	0

TALLY OF SENATE BILLS

INTRODUCED

SENATE BILLS 5
TOTAL 5

PASSED

SENATE BILLS 4
TOTAL 4

VOTED DOWN, INDEFINITELY POSTPONED

SENATE BILLS 1
TOTAL 1

TALLY OF HOUSE BILLS

INTRODUCED

HOUSE BILLS	21
HOUSE JOINT RESOLUTIONS	2
TOTAL	23

PASSED

HOUSE BILLS	15
HOUSE JOINT RESOLUTIONS	2
TOTAL	17

VOTED DOWN, INDEFINITELY POSTPONED

HOUSE BILLS	3
TOTAL	3

TABLED IN COMMITTEE

HOUSE BILLS	2
TOTAL	2

DIED IN COMMITTEE (no action taken)

HOUSE BILLS	1
TOTAL	1

SENATE FINAL STATUS

SB 1 INTRODUCED BY HARP

CLARIFY EFFECTIVE DATE AND APPLICABILITY DATE OF CHAPTER 823, LAWS OF 1991; ENSURING THAT NO UNINTENDED PENSION BENEFIT RESULTS FROM THAT ACT; REVISE CERTAIN REPORTING & CERTIFICATION DATES; REVISE THE DATE ON WHICH THE STATE TREASURER TRANSFERS FUNDS TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD AND THE TEACHERS' RETIREMENT BOARD AND THE DATE ON WHICH ADJUSTMENT PAYMENTS ARE MADE

BY REQUEST OF DEPARTMENT OF ADMINISTRATION

1/03	INTRODUCED		
1/06	REFERRED TO TAXATION		
1/06	FIRST READING		
1/08	HEARING		
1/08	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/08	2ND READING PASSED AS AMENDED	36	10
1/08	3RD READING PASSED	35	11
	TRANSMITTED TO HOUSE		
1/09	FIRST READING		
1/09	REFERRED TO TAXATION		
1/14	HEARING		
1/15	COMMITTEE REPORT—BILL CONCURRED		
1/15	2ND READING CONCURRED	58	35
1/15	3RD READING CONCURRED	57	39
	RETURNED TO SENATE		
1/17	SIGNED BY PRESIDENT		
1/17	TRANSMITTED TO GOVERNOR		
1/21	SIGNED BY GOVERNOR		

CHAPTER NUMBER 10

EFFECTIVE DATE: 01/21/92 (SECTIONS 1 & 4)
EFFECTIVE DATE: 07/01/92 (SECTIONS 2 & 3)

SB 2 INTRODUCED BY MAZUREK, ET AL.

ADDRESS THE PROBLEMS, ALTERNATIVES, & CONTINGENCIES ARISING FROM STATE'S SUIT FOR RELIEF FROM A CONGRESSIONAL APPORTIONMENT THAT ALLOCATED ONLY ONE CONGRESSIONAL SEAT TO THE STATE OF MONTANA; DETERMINE THE ALTERNATIVE PROCEDURES FOR PRIMARY FILING AND FOR PRIMARY & GENERAL ELECTIONS IF A FINAL DETERMINATION IS MADE THAT MONTANA IS ENTITLED TO ONLY ONE CONGRESSIONAL REPRESENTATIVE

BY REQUEST OF SECRETARY OF STATE & DEPARTMENT OF JUSTICE

1/07	INTRODUCED		
1/07	REFERRED TO STATE ADMINISTRATION		
1/07	FIRST READING		
1/07	HEARING		
1/07	FISCAL NOTE RECEIVED		
1/07	FISCAL NOTE REQUESTED		
1/08	FISCAL NOTE PRINTED		
1/08	COMMITTEE REPORT—BILL PASSED		
1/08	2ND READING PASSED	46	0
1/08	3RD READING PASSED	46	0
	TRANSMITTED TO HOUSE		
1/09	HEARING		
1/09	FIRST READING		
1/09	REFERRED TO STATE ADMINISTRATION		
1/09	COMMITTEE REPORT—BILL CONCURRED		
1/09	2ND READING CONCURRED	98	0
1/09	3RD READING CONCURRED	98	0
	RETURNED TO SENATE		
1/10	SIGNED BY PRESIDENT		
1/10	SIGNED BY SPEAKER		
1/10	TRANSMITTED TO GOVERNOR		
1/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 2	EFFECTIVE DATE: 01/14/92	

SB 3 INTRODUCED BY B. BROWN

PRIVATIZE STATE LIQUOR STORES

BY REQUEST OF DEPARTMENT OF REVENUE

1/07	INTRODUCED		
1/08	REFERRED TO TAXATION		
1/08	FISCAL NOTE REQUESTED		
1/08	FISCAL NOTE RECEIVED		
1/08	FIRST READING		
1/09	FISCAL NOTE PRINTED		
1/10	HEARING		
1/14	COMMITTEE REPORT—BILL NOT PASSED		
1/14	ADVERSE COMMITTEE REPORT ADOPTED	39	10

SB 4 INTRODUCED BY AKLESTAD

DEFINE A PROPOSED SUPPLEMENTAL APPROPRIATION; PROVIDE A PROCEDURE FOR THE REVIEW OF A PROPOSED SUPPLEMENTAL APPROPRIATION

1/13	INTRODUCED		
1/13	REFERRED TO FINANCE & CLAIMS		
1/13	FIRST READING		
1/14	HEARING		
1/14	COMMITTEE REPORT—BILL PASSED		
1/14	2ND READING PASSED	49	0

1/14	3RD READING PASSED	48	1
	TRANSMITTED TO HOUSE		
1/15	FIRST READING		
1/15	REFERRED TO APPROPRIATIONS		
1/15	HEARING		
1/15	COMMITTEE REPORT—BILL CONCURRED		
1/15	2ND READING CONCURRED	82	10
1/15	3RD READING CONCURRED	83	12
	RETURNED TO SENATE		
1/17	SIGNED BY PRESIDENT		
1/17	SIGNED BY SPEAKER		
1/17	TRANSMITTED TO GOVERNOR		
1/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 11	EFFECTIVE DATE: 01/21/92	

SB 5 INTRODUCED BY BLAYLOCK, ET AL.

AUTHORIZE STATE LOANS TO SCHOOL DISTRICTS TO PAY HOLDERS OF SCHOOL DISTRICT BONDS DECLARED INVALID OR UNENFORCEABLE BY A FINAL COURT ORDER OR INJUNCTION; PROVIDE CRITERIA TO QUALIFY FOR STATE LOANS; ESTABLISH A COAL SEVERANCE TAX SCHOOL BOND CONTINGENCY LOAN FUND; REQUIRE A SCHOOL DISTRICT TO INCLUDE A COVENANT IN THE BOND RESOLUTION; LIMIT THE AMOUNT OF STATE-SECURED LOAN AUTHORITY ALLOCABLE TO SCHOOL DISTRICTS

1/13	INTRODUCED		
1/13	FIRST READING		
1/13	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/13	HEARING		
1/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/14	REREFERRED TO RULES		
1/14	2ND READING PASSED AS AMENDED	49	0
1/14	3RD READING PASSED	48	1
	TRANSMITTED TO HOUSE		
1/15	FIRST READING		
1/15	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/15	HEARING		
1/15	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
1/15	2ND READING CONCURRED	95	1
1/15	3RD READING CONCURRED	96	0
	RETURNED TO SENATE WITH AMENDMENTS		
1/15	2ND READING AMENDMENTS CONCURRED	50	0
1/15	3RD READING AMENDMENTS CONCURRED	50	0
1/15	FISCAL NOTE REQUESTED FOR 3RD READING VERSION		
1/16	FISCAL NOTE RECEIVED FOR 3RD READING VERSION		
1/16	FISCAL NOTE PRINTED FOR 3RD READING VERSION		

1/17 SIGNED BY PRESIDENT
1/17 SIGNED BY SPEAKER
1/17 TRANSMITTED TO GOVERNOR
1/21 SIGNED BY GOVERNOR
CHAPTER NUMBER 12

EFFECTIVE DATE: 01/21/92 (SECTIONS 1-6, 8)
IF HB 19 IS PASSED & APPROVED BY THE ELECTORATE, THEN SECTION 3 OF SB 5 & SECTION 4 OF HB 19 ARE VOID & SECTION 7 OF SB 5 IS EFFECTIVE ON THE DATE OF APPROVAL BY THE ELECTORATE.

HOUSE FINAL STATUS

HB 1 INTRODUCED BY BARDANOUVE

APPROPRIATE MONEY FOR OPERATION OF THE FIRST SPECIAL SESSION OF THE 52ND LEGISLATURE, CONVENING JAN. 6, 1992, AND FOR OTHER RELATED PURPOSES
(A.K.A. THE FEED BILL)

1/03	INTRODUCED		
1/03	REFERRED TO APPROPRIATIONS		
1/06	FIRST READING		
1/06	HEARING		
1/07	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/07	2ND READING PASSED AS AMENDED	76	16
1/07	3RD READING PASSED	80	17
	TRANSMITTED TO SENATE		
1/08	FIRST READING		
1/08	REFERRED TO FINANCE & CLAIMS		
1/08	HEARING		
1/08	COMMITTEE REPORT—BILL CONCURRED		
1/08	2ND READING CONCURRED	45	1
1/08	3RD READING CONCURRED	44	2
	RETURNED TO HOUSE		
1/09	SIGNED BY SPEAKER		
1/09	SIGNED BY PRESIDENT		
1/09	TRANSMITTED TO GOVERNOR		
1/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 1	EFFECTIVE DATE: 01/13/92	

HB 2 INTRODUCED BY THOFT

GENERALLY REVISE APPROPRIATIONS FOR 1992 BIENNIUM; AMEND GENERAL APPROPRIATIONS ACT OF 1991 AND OTHER ACTS APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR BIENNIUM ENDING 06/30/93

BY REQUEST OF OFFICE OF BUDGET & PROGRAM PLANNING

1/03	INTRODUCED		
1/03	REFERRED TO APPROPRIATIONS		
1/06	FIRST READING		
1/06	HEARING		
1/07	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/10	2ND READING PASSED AS AMENDED	55	44
1/10	3RD READING PASSED	53	46
	TRANSMITTED TO SENATE		

1/10	FIRST READING		
1/10	REFERRED TO FINANCE & CLAIMS		
1/11	HEARING		
1/13	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
1/13	2ND READING CONCURRED AS AMENDED	27	22
1/13	3RD READING CONCURRED	28	21
	RETURNED TO HOUSE WITH AMENDMENTS		
1/14	2ND READING AMENDMENTS NOT CONCURRED	92	2
1/14	CONFERENCE COMMITTEE APPOINTED		
1/15	CONFERENCE COMMITTEE DISSOLVED		
1/15	FREE CONFERENCE COMMITTEE APPOINTED		
1/17	FREE CONFERENCE COMMITTEE REPORT NO. 1		
1/17	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	58	42
1/17	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	57	43
	SENATE		
1/14	CONFERENCE COMMITTEE APPOINTED		
1/16	CONFERENCE COMMITTEE DISSOLVED		
1/16	FREE CONFERENCE COMMITTEE APPOINTED		
1/17	FREE CONFERENCE COMMITTEE REPORT NO. 1		
1/17	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	26	14
1/17	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	28	22
1/23	SIGNED BY SPEAKER		
1/23	SIGNED BY PRESIDENT		
1/23	TRANSMITTED TO GOVERNOR		
2/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 13	EFFECTIVE DATE: 02/04/92	

HB 3 INTRODUCED BY THOFT

ALLOW CERTAIN TIMBER TO BE TREATED AS A CROP; TREAT TIMBER HARVESTED FROM SCHOOL TRUST LANDS AS A CROP; RETAIN TIMBER SALE REVENUE FROM TIMBER HARVESTED FROM OTHER TRUST LANDS IN THE TRUST FUND SUPPORTING THE INSTITUTION TO WHICH THE LAND IS GRANTED; EXCLUDE TIMBER SALE REVENUE FROM THE DEFINITION OF INCOME TO BE DEPOSITED IN THE RESOURCE DEVELOPMENT ACCOUNT

BY REQUEST OF OFFICE OF BUDGET & PROGRAM PLANNING

1/03	INTRODUCED
1/03	REFERRED TO APPROPRIATIONS
1/06	FIRST READING
1/07	FISCAL NOTE REQUESTED
1/08	FISCAL NOTE RECEIVED
1/08	FISCAL NOTE PRINTED
1/08	HEARING
1/10	COMMITTEE REPORT—BILL PASSED AS AMENDED

1/10	2ND READING PASSED	71	28
1/10	3RD READING PASSED	74	24
	TRANSMITTED TO SENATE		
1/10	FIRST READING		
1/10	REFERRED TO FINANCE & CLAIMS		
1/13	HEARING		
1/13	COMMITTEE REPORT—BILL CONCURRED		
1/14	REREFERRED TO FINANCE & CLAIMS		
1/14	HEARING		
1/15	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
1/15	2ND READING CONCURRED	40	8
1/15	3RD READING CONCURRED	40	10
	RETURNED TO HOUSE WITH AMENDMENTS		
1/15	2ND READING AMENDMENTS CONCURRED	73	20
1/15	3RD READING AMENDMENTS CONCURRED	72	22
1/17	SIGNED BY SPEAKER		
1/17	SIGNED BY PRESIDENT		
1/17	TRANSMITTED TO GOVERNOR		
2/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 14	EFFECTIVE DATE: 02/04/92	

HB 4 INTRODUCED BY THOFT

TRANSFER TO THE GENERAL FUND $1.5 MILLION FROM THE UNEMPLOYMENT INSURANCE ADMINISTRATIVE FUNDS COLLECTED THROUGH STATE ASSESSMENTS

BY REQUEST OF OFFICE OF BUDGET & PROGRAM PLANNING

1/03	INTRODUCED		
1/03	REFERRED TO APPROPRIATIONS		
1/06	FIRST READING		
1/07	FISCAL NOTE REQUESTED		
1/08	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/08	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED		
1/10	2ND READING PASSED	74	25
1/10	3RD READING PASSED	73	24
	TRANSMITTED TO SENATE		
1/10	FIRST READING		
1/10	REFERRED TO FINANCE & CLAIMS		
1/13	HEARING		
1/13	COMMITTEE REPORT—BILL CONCURRED		
1/14	2ND READING CONCURRED	29	20
1/14	3RD READING CONCURRED	31	18
	RETURNED TO HOUSE		
1/22	SIGNED BY SPEAKER		
1/23	TRANSMITTED TO GOVERNOR		
2/04	SIGNED BY GOVERNOR		

CHAPTER NUMBER 15 EFFECTIVE DATE: 02/04/92

HB 5 INTRODUCED BY THOFT

TRANSFER TO THE GENERAL FUND A CERTAIN AMOUNT OF MONEY DEPOSITED IN THE INTERNAL SERVICE FUND FROM RECEIPTS FROM SALE OF GOODS PRODUCED OR MANUFACTURED BY A STATE INSTITUTION

BY REQUEST OF OFFICE OF BUDGET & PROGRAM PLANNING

1/03	INTRODUCED		
1/03	REFERRED TO APPROPRIATIONS		
1/06	FIRST READING		
1/07	FISCAL NOTE REQUESTED		
1/08	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/08	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED		
1/10	2ND READING PASSED	98	0
1/10	3RD READING PASSED	97	0
	TRANSMITTED TO SENATE		
1/10	FIRST READING		
1/10	REFERRED TO FINANCE & CLAIMS		
1/13	HEARING		
1/13	COMMITTEE REPORT—BILL CONCURRED		
1/14	2ND READING CONCURRED	47	2
1/14	3RD READING CONCURRED	45	4
	RETURNED TO HOUSE		
1/16	SIGNED BY SPEAKER		
1/16	SIGNED BY PRESIDENT		
1/16	TRANSMITTED TO GOVERNOR		
1/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 4	EFFECTIVE DATE: 01/21/92	

HB 6 INTRODUCED BY THOFT

TRANSFER CERTAIN FEES ADMINISTERED BY THE DEPARTMENT OF JUSTICE TO THE GENERAL FUND

BY REQUEST OF OFFICE OF BUDGET & PROGRAM PLANNING

1/03	INTRODUCED		
1/03	REFERRED TO APPROPRIATIONS		
1/06	FIRST READING		
1/07	FISCAL NOTE REQUESTED		
1/08	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/08	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/10	2ND READING PASSED	80	16
1/10	3RD READING PASSED	80	16

	TRANSMITTED TO SENATE		
1/13	FIRST READING		
1/13	REFERRED TO FINANCE & CLAIMS		
1/14	HEARING		
1/14	COMMITTEE REPORT—BILL CONCURRED		
1/14	2ND READING CONCURRED	34	14
1/14	3RD READING CONCURRED	36	13
	RETURNED TO HOUSE		
1/16	SIGNED BY SPEAKER		
1/16	SIGNED BY PRESIDENT		
1/16	TRANSMITTED TO GOVERNOR		
1/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 5		

EFFECTIVE DATE: 01/21/92 (SECTIONS 1-4, 7)
EFFECTIVE DATE: 07/01/93 (SECTIONS 5 & 6)

HB 7 INTRODUCED BY THOFT

PROVIDE FOR THE RETENTION OF CERTAIN FUNDS THAT ARE NOT NEEDED FOR DISTRICT COURT EXPENSE REIMBURSEMENTS AND THAT WOULD OTHERWISE BE REFUNDED TO COUNTIES

BY REQUEST OF OFFICE OF BUDGET & PROGRAM PLANNING

1/03	INTRODUCED		
1/03	REFERRED TO APPROPRIATIONS		
1/06	FIRST READING		
1/07	FISCAL NOTE REQUESTED		
1/08	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/08	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED		
1/10	2ND READING PASSED	59	39
1/10	3RD READING PASSED	56	42
	TRANSMITTED TO SENATE		
1/10	FIRST READING		
1/10	REFERRED TO FINANCE & CLAIMS		
1/13	HEARING		
1/13	COMMITTEE REPORT-BILL NOT CONCURRED		
1/13	ADVERSE COMMITTEE REPORT ADOPTED	46	0

HB 8 INTRODUCED BY THOFT

DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO TRANSFER TO THE GENERAL FUND FROM THE HAZARDOUS WASTE/CERCLA ACCOUNT AND THE ENVIRONMENTAL QUALITY PROTECTION FUND A TOTAL NOT TO EXCEED $1 MILLION

BY REQUEST OF OFFICE OF BUDGET & PROGRAM PLANNING

1/03	INTRODUCED		

1/03	REFERRED TO APPROPRIATIONS		
1/06	FIRST READING		
1/07	FISCAL NOTE REQUESTED		
1/08	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/08	HEARING		
1/09	COMMITTEE REPORT—BILL NOT PASSED AS AMENDED		
1/10	ADVERSE COMMITTEE REPORT ADOPTED	55	39

HB 9 INTRODUCED BY THOFT

TRANSFER A PORTION OF CERTAIN FEES COLLECTED BY THE SECRETARY OF STATE TO THE GENERAL FUND

BY REQUEST OF OFFICE OF BUDGET & PROGRAM PLANNING

1/03	INTRODUCED		
1/03	REFERRED TO APPROPRIATIONS		
1/06	FIRST READING		
1/07	FISCAL NOTE REQUESTED		
1/08	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/08	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED		
1/10	2ND READING PASSED	95	2
1/10	3RD READING PASSED	96	1
	TRANSMITTED TO SENATE		
1/13	FIRST READING		
1/13	REFERRED TO FINANCE & CLAIMS		
1/14	HEARING		
1/14	COMMITTEE REPORT—BILL CONCURRED		
1/14	2ND READING CONCURRED	49	0
1/14	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
1/16	SIGNED BY SPEAKER		
1/16	SIGNED BY PRESIDENT		
1/16	TRANSMITTED TO GOVERNOR		
1/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 6	EFFECTIVE DATE: 01/21/92	

HB 10 INTRODUCED BY THOFT

DIVERT COAL SEVERANCE TAX FUNDS THAT WOULD OTHERWISE BE DEPOSITED IN HIGHWAY RECONSTRUCTION TRUST FUND ACCOUNT TO THE GENERAL FUND

BY REQUEST OF OFFICE OF BUDGET & PROGRAM PLANNING

1/03	INTRODUCED		
1/03	REFERRED TO APPROPRIATIONS		
1/06	FIRST READING		
1/07	FISCAL NOTE REQUESTED		

1/08	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/08	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED		
1/10	2ND READING PASSED	64	35
1/10	3RD READING PASSED	59	38
	TRANSMITTED TO SENATE		
1/13	FIRST READING		
1/13	REFERRED TO FINANCE & CLAIMS		
1/14	HEARING		
1/14	COMMITTEE REPORT—BILL CONCURRED		
1/15	2ND READING CONCURRED AS AMENDED	35	14
1/15	3RD READING CONCURRED	36	14
	RETURNED TO HOUSE WITH AMENDMENTS		
1/16	MOTION TO CONCUR WITH AMENDMENTS ON 2ND READING FAILED	35	62
1/16	FREE CONFERENCE COMMITTEE APPOINTED		
1/17	FREE CONFERENCE COMMITTEE REPORT NO. 1		
1/17	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	58	38
1/17	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	50	45
	SENATE		
1/16	FREE CONFERENCE COMMITTEE APPOINTED		
1/17	FREE CONFERENCE COMMITTEE REPORT NO. 1		
1/17	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	50	0
1/17	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	45	5
1/22	SIGNED BY SPEAKER		
1/23	TRANSMITTED TO GOVERNOR		
2/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 16	EFFECTIVE DATE: 02/04/92	

HB 11 INTRODUCED BY BARDANOUVE

CLARIFY THAT THE GOVERNOR HAS AUTHORITY TO DIRECT AGENCIES TO REDUCE SPENDING IN THE EVENT OF A PROJECTED GENERAL FUND BUDGET DEFICIT

1/03	INTRODUCED		
1/03	REFERRED TO APPROPRIATIONS		
1/06	FIRST READING		
1/08	HEARING		
1/10	HEARING		
1/13	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/13	2ND READING PASSED	72	23
1/13	3RD READING PASSED	68	12
	TRANSMITTED TO SENATE		

1/14	FIRST READING		
1/14	REFERRED TO FINANCE & CLAIMS		
1/14	HEARING		
1/16	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
1/16	2ND READING BE CONCURRED IN AS AMENDED MOTION FAILED	13	37
1/16	2ND READING INDEFINITELY POSTPONED	39	11

HB 12 INTRODUCED BY CONNELLY, ET AL.

PROVIDE THAT CERTAIN GRANTS MADE UNDER THE WATER DEVELOPMENT PROGRAM, THE RENEWABLE RESOURCE DEVELOPMENT PROGRAM, AND THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM ARE NOT REAUTHORIZED

BY REQUEST OF LONG-RANGE PLANNING APPROPRIATIONS SUBCOMMITTEE

1/07	INTRODUCED		
1/07	REFERRED TO APPROPRIATIONS		
1/07	FISCAL NOTE REQUESTED		
1/08	FIRST READING		
1/08	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/09	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED		
1/10	2ND READING PASSED	92	6
1/10	3RD READING PASSED	92	5
	TRANSMITTED TO SENATE		
1/13	FIRST READING		
1/13	REFERRED TO FINANCE & CLAIMS		
1/14	HEARING		
1/14	COMMITTEE REPORT—BILL CONCURRED		
1/14	2ND READING CONCURRED	49	0
1/14	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
1/16	SIGNED BY SPEAKER		
1/16	SIGNED BY PRESIDENT		
1/16	TRANSMITTED TO GOVERNOR		
1/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 7	EFFECTIVE DATE: 01/21/92	

HB 13 INTRODUCED BY CONNELLY, ET AL.

DIVERT TO THE MONTANA ARTS COUNCIL, FOR OPERATING EXPENSES, A PORTION OF THE COAL SEVERANCE TAX NOW DEDICATED TO NONEXPENDABLE TRUST FUND FOR PURPOSE OF PROTECTION OF WORKS OF ART IN STATE CAPITOL AND FOR OTHER CULTURAL AND AESTHETIC PROJECTS

BY REQUEST OF LONG-RANGE PLANNING APPROPRIATIONS SUBCOMMITTEE

1/07	INTRODUCED		
1/07	REFERRED TO APPROPRIATIONS		
1/07	FISCAL NOTE REQUESTED		
1/08	FIRST READING		
1/09	HEARING		
1/09	FISCAL NOTE RECEIVED		
1/09	FISCAL NOTE PRINTED		
1/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/10	2ND READING PASSED	90	9
1/10	3RD READING PASSED	89	8
	TRANSMITTED TO SENATE		
1/13	FIRST READING		
1/13	REFERRED TO FINANCE & CLAIMS		
1/14	HEARING		
1/14	COMMITTEE REPORT—BILL CONCURRED		
1/14	2ND READING CONCURRED	40	9
1/14	3RD READING CONCURRED	40	9
	RETURNED TO HOUSE		
1/16	SIGNED BY SPEAKER		
1/16	SIGNED BY PRESIDENT		
1/16	TRANSMITTED TO GOVERNOR		
1/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 8	EFFECTIVE DATE: 07/01/92	

HB 14 INTRODUCED BY GILBERT

PROVIDE FOR PAYMENT OF ESTIMATED INDIVIDUAL INCOME TAXES IN FOUR INSTALLMENTS

BY REQUEST OF REVENUE OVERSIGHT COMMITTEE

1/07	INTRODUCED		
1/07	REFERRED TO TAXATION		
1/07	FISCAL NOTE REQUESTED		
1/07	FISCAL NOTE RECEIVED		
1/08	FIRST READING		
1/08	FISCAL NOTE PRINTED		
1/09	HEARING		
1/13	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/13	2ND READING PASSED	51	49
1/13	3RD READING PASSED	53	47
	TRANSMITTED TO SENATE		
1/14	FIRST READING		
1/14	REFERRED TO TAXATION		
1/14	HEARING		
1/15	COMMITTEE REPORT—BILL CONCURRED		
1/15	2ND READING CONCURRED	36	14
1/15	3RD READING CONCURRED	33	17
	RETURNED TO HOUSE		

1/17	SIGNED BY SPEAKER		
1/17	SIGNED BY PRESIDENT		
1/17	TRANSMITTED TO GOVERNOR		
2/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 17	EFFECTIVE DATE: 07/01/92	

HB 15 INTRODUCED BY COHEN

TRANSFER $920,000 FROM THE PETROLEUM TANK RELEASE CLEANUP FUND TO GENERAL FUND

1/09	INTRODUCED		
1/09	FIRST READING		
1/09	REFERRED TO APPROPRIATIONS		
1/09	FISCAL NOTE REQUESTED		
1/10	HEARING		
1/10	FISCAL NOTE RECEIVED		
1/10	FISCAL NOTE PRINTED		
1/10	2ND READING PASSED	48	47
1/10	3RD READING FAILED	44	54
1/13	RECONSIDERED PREVIOUS ACTION	52	43
1/13	REREFERRED TO APPROPRIATIONS		
	DIED IN COMMITTEE		

HB 16 INTRODUCED BY COHEN

TRANSFER $1,143,464 FROM THE 9-1-1 EMERGENCY TELECOMMUNICATIONS ACCOUNT TO GENERAL FUND

1/09	INTRODUCED		
1/09	FIRST READING		
1/09	REFERRED TO APPROPRIATIONS		
1/09	FISCAL NOTE REQUESTED		
1/10	HEARING		
1/10	FISCAL NOTE RECEIVED		
1/10	TABLED IN COMMITTEE		

HB 17 INTRODUCED BY D. BROWN

TRANSFER REMAINING FUND BALANCE FROM GAMBLING LICENSE FEE ACCOUNT TO GENERAL FUND

1/09	INTRODUCED		
1/09	FIRST READING		
1/09	REFERRED TO APPROPRIATIONS		
1/09	FISCAL NOTE REQUESTED		
1/10	HEARING		
1/10	FISCAL NOTE RECEIVED		
1/10	FISCAL NOTE PRINTED		
1/10	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/10	2ND READING PASSED AS AMENDED	80	16
1/10	3RD READING PASSED	77	20
	TRANSMITTED TO SENATE		

1/13	FIRST READING		
1/13	REFERRED TO FINANCE & CLAIMS		
1/14	HEARING		
1/14	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
1/14	2ND READING CONCURRED	33	16
1/14	3RD READING CONCURRED	33	16
	RETURNED TO HOUSE WITH AMENDMENTS		
1/15	2ND READING AMENDMENTS CONCURRED	85	8
1/15	3RD READING AMENDMENTS CONCURRED	85	10
1/17	SIGNED BY SPEAKER		
1/17	SIGNED BY PRESIDENT		
1/17	TRANSMITTED TO GOVERNOR		
2/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 18	EFFECTIVE DATE: 02/04/92	

HB 18 INTRODUCED BY WANZENRIED, ET AL.

TRANSFER AMOUNTS IN EXCESS OF $50,000 IN SCIENCE AND TECHNOLOGY DEVELOPMENT ACCOUNT TO GENERAL FUND; CLARIFY REVENUE TO BE DEPOSITED IN SCIENCE AND TECHNOLOGY DEVELOPMENT ACCOUNT

1/09	INTRODUCED		
1/09	FIRST READING		
1/09	REFERRED TO APPROPRIATIONS		
1/09	FISCAL NOTE REQUESTED		
1/10	HEARING		
1/10	FISCAL NOTE RECEIVED		
1/10	FISCAL NOTE PRINTED		
1/10	COMMITTEE REPORT—BILL PASSED		
1/10	2ND READING PASSED	87	8
1/10	3RD READING PASSED	86	10
	TRANSMITTED TO SENATE		
1/13	FIRST READING		
1/13	REFERRED TO FINANCE & CLAIMS		
1/14	HEARING		
1/14	COMMITTEE REPORT—BILL CONCURRED		
1/14	2ND READING CONCURRED	34	15
1/14	3RD READING CONCURRED	33	16
	RETURNED TO HOUSE		
1/16	SIGNED BY SPEAKER		
1/16	SIGNED BY PRESIDENT		
1/16	TRANSMITTED TO GOVERNOR		
1/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 9	EFFECTIVE DATE: 01/21/92	

HB 19 INTRODUCED BY HARPER, ET AL.

CREATE A TREASURE STATE ENDOWMENT PROGRAM; CREATE THE TREASURE STATE ENDOWMENT FUND WITHIN THE COAL SEVERANCE TAX TRUST FUND; PROVIDE THAT ONE-HALF OF THE

ANNUAL REVENUE THAT WOULD OTHERWISE BE DEPOSITED IN THE COAL SEVERANCE TAX PERMANENT FUND BE DEPOSITED IN ENDOWMENT FUND; AUTHORIZE THE USE OF INTEREST FROM THE ENDOWMENT FUND FOR GRANTS, DEBT RETIREMENT, AND LOANS TO LOCAL GOVERNMENTS; TRANSFER $10 MILLION FROM PERMANENT FUND TO THE ENDOWMENT FUND; SUBMIT THE CREATION OF THE PROGRAM TO THE QUALIFIED ELECTORS OF MONTANA

1/09	INTRODUCED		
1/09	FIRST READING		
1/09	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/09	FISCAL NOTE REQUESTED		
1/13	HEARING		
1/13	FISCAL NOTE RECEIVED		
1/13	FISCAL NOTE PRINTED		
1/13	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/13	2ND READING PASSED	61	37
1/13	3RD READING PASSED	61	37
	TRANSMITTED TO SENATE		
1/14	FIRST READING		
1/14	REFERRED TO TAXATION		
1/14	HEARING		
1/15	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
1/15	2ND READING CONCURRED	31	18
1/15	3RD READING CONCURRED	32	18
	RETURNED TO HOUSE WITH AMENDMENTS		
1/15	2ND READING AMENDMENTS CONCURRED	87	7
1/15	3RD READING AMENDMENTS CONCURRED	75	19
1/17	SIGNED BY SPEAKER		
1/17	SIGNED BY PRESIDENT		
1/17	FILED WITH SECRETARY OF STATE		
	CHAPTER NUMBER 3		
	EFFECTIVE CONTINGENT UPON VOTER APPROVAL		

HB 20 INTRODUCED BY BARDANOUVE

TRANSFER $200,000 FROM THE JUNK VEHICLE DISPOSAL ACCOUNT TO THE GENERAL FUND

1/10	INTRODUCED
1/10	REFERRED TO APPROPRIATIONS
1/10	FIRST READING
1/10	FISCAL NOTE REQUESTED
1/10	FISCAL NOTE RECEIVED
1/10	HEARING
1/10	TABLED IN COMMITTEE

HB 21 INTRODUCED BY BARDANOUVE

TRANSFER $250,000 FROM CRIME VICTIMS COMPENSATION ACCOUNT TO GENERAL FUND

1/10	INTRODUCED		
1/10	REFERRED TO APPROPRIATIONS		
1/10	FIRST READING		
1/10	FISCAL NOTE REQUESTED		
1/10	HEARING		
1/10	FISCAL NOTE RECEIVED		
1/10	FISCAL NOTE PRINTED		
1/13	COMMITTEE REPORT—BILL PASSED		
1/13	2ND READING PASSED	76	23
1/13	3RD READING PASSED	74	25
	TRANSMITTED TO SENATE		
1/14	FIRST READING		
1/14	REFERRED TO FINANCE & CLAIMS		
1/14	HEARING		
1/15	COMMITTEE REPORT—BILL CONCURRED		
1/15	2ND READING CONCURRED	34	15
1/15	3RD READING CONCURRED	36	14
	RETURNED TO HOUSE		
1/17	SIGNED BY SPEAKER		
1/17	SIGNED BY PRESIDENT		
1/17	TRANSMITTED TO GOVERNOR		
2/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 19	EFFECTIVE DATE: 02/04/92	

HJ 1 INTRODUCED BY GILBERT

REVENUE ESTIMATING RESOLUTION

BY REQUEST OF REVENUE OVERSIGHT COMMITTEE

1/07	INTRODUCED		
1/07	REFERRED TO TAXATION		
1/08	FIRST READING		
1/09	HEARING		
1/13	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/13	2ND READING PASSED AS AMENDED	63	34
1/13	3RD READING PASSED	61	35
	TRANSMITTED TO SENATE		
1/14	FIRST READING		
1/14	REFERRED TO TAXATION		
1/14	HEARING		
1/16	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
1/16	2ND READING CONCURRED	31	18
1/17	3RD READING CONCURRED	29	21
	RETURNED TO HOUSE WITH AMENDMENTS		
1/17	2ND READING AMENDMENTS CONCURRED	55	45
1/17	3RD READING AMENDMENTS CONCURRED	55	44
1/22	SIGNED BY SPEAKER		
1/22	SIGNED BY PRESIDENT		

1/23 FILED WITH SECRETARY OF STATE

HJ 2 INTRODUCED BY BARDANOUVE

DIRECT DEPARTMENT OF COMMERCE TO REVIEW FUNDS AND FUND BALANCES OF THE BOARDS ATTACHED TO THE DEPARTMENT AND TO REPORT FINDINGS TO REVENUE OVERSIGHT COMMITTEE AND LEGISLATIVE FINANCE COMMITTEE

1/13	INTRODUCED		
1/13	REFERRED TO APPROPRIATIONS		
1/13	FIRST READING		
1/14	HEARING		
1/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/15	2ND READING PASSED	91	1
1/15	3RD READING PASSED	90	0
	TRANSMITTED TO SENATE		
1/15	REFERRED TO FINANCE & CLAIMS		
1/15	FIRST READING		
1/16	HEARING		
1/16	COMMITTEE REPORT—BILL CONCURRED		
1/16	2ND READING CONCURRED	50	0
1/16	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
1/17	SIGNED BY SPEAKER		
1/17	SIGNED BY PRESIDENT		
1/17	FILED WITH SECRETARY OF STATE		

LAWS AND RESOLUTIONS

Enacted by the

FIFTY-SECOND LEGISLATURE
IN SPECIAL SESSION

Held at Helena, the Seat of Government
January 6, 1992, through January 17, 1992

Explanatory Note: Section 5-11-205, MCA, provides that new parts of existing statutes be printed in italics and that deleted provisions be shown as stricken.

COMPILED BY MONTANA LEGISLATIVE COUNCIL

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HOUSE JOINT RESOLUTIONS

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CHAPTER NO. 1

[HB 1]

AN ACT APPROPRIATING MONEY FOR THE OPERATION OF THE FIRST SPECIAL SESSION OF THE 52ND LEGISLATURE, CONVENING JANUARY 6, 1992, AND FOR OTHER RELATED PURPOSES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Operations appropriations.** The following amounts are appropriated from the general fund for fiscal year 1992 for the operation of the first special session of the 52nd legislature, convening January 6, 1992:

House of Representatives	$269,275
Senate	$156,635
Legislative Council	$ 88,108

Section 2. **Legislative fiscal analyst appropriation.** The following amount is appropriated from the general fund to the office of the legislative fiscal analyst for fiscal year 1992 for preparation, printing, and distribution of fiscal information relating to the first special session of the 52nd legislature:

Legislative Fiscal Analyst	$22,350

Section 3. **Effective date.** [This act] is effective on passage and approval.

Approved January 13, 1992.

CHAPTER NO. 2

[SB 2]

AN ACT TO ADDRESS THE PROBLEMS, ALTERNATIVES, AND CONTINGENCIES ARISING FROM THE STATE'S SUIT FOR RELIEF FROM A CONGRESSIONAL APPORTIONMENT THAT ALLOCATED ONLY ONE CONGRESSIONAL SEAT TO THE STATE OF MONTANA; TO DETERMINE THE ALTERNATIVE PROCEDURES FOR PRIMARY FILING AND FOR THE PRIMARY AND GENERAL ELECTIONS IF A FINAL DETERMINATION IS MADE THAT MONTANA IS ENTITLED TO ONLY ONE CONGRESSIONAL REPRESENTATIVE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, on January 16, 1991, the Clerk of the United States House of Representatives issued a certificate of entitlement to the Governor of Montana containing notice that the State of Montana is entitled to one congressional representative in the 103rd Congress; and

WHEREAS, pursuant to that certificate and in accordance with Article V, section 14, of the Montana Constitution, the Montana Districting and Apportionment Commission prepared and filed its final plan for one congressional district with the Secretary of State of Montana in April 1991 and the plan became law; and

WHEREAS, on May 22, 1991, the Attorney General of Montana filed a lawsuit in the United States District Court for the District of Montana against the United States Department of Commerce and its Secretary, the United States Bureau of the Census and its Director, and the Clerk of the United States House of Representatives, challenging the apportionment formula and the resulting loss of one of Montana's two congressional representatives; and

WHEREAS, on October 18, 1991, a three-judge United States District Court for the District of Montana found that the apportionment violates the rights of Montana voters to equal representation and declared unconstitutional and void 2 U.S.C. 2a, upon which the certificate of entitlement was predicated; and

WHEREAS, the decision of the United States District Court for the District of Montana has been appealed to the United States Supreme Court, which has noted probable jurisdiction and has scheduled oral arguments for March 4, 1992; and

WHEREAS, the Legislature of the State of Montana finds that the decision of the United States District Court for the District of Montana is law unless and until it is overturned, that the judgment has rendered invalid the Districting and Apportionment Commission's April 1991 plan for one congressional district, and that Montana is entitled to two congressional representatives unless and until a final determination is made otherwise.

THEREFORE, the Legislature of the State of Montana finds that it is appropriate to provide for the preparation and adoption of a plan for two congressional districts, to direct the Secretary of State to accept declarations of nomination and to prepare the ballot for the office of congressional representative for both a first and second district for the 1992 primary election, and to specify a contingent method for nomination of candidates in the event of a final determination that Montana is entitled to only one congressional representative.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Redistricting of congressional districts — contingent primary filing, primary election, and general election procedures.** (1) (a) Except as provided in subsection (2), for the filing period beginning January 21, 1992, and ending March 19, 1992, the secretary of state shall accept declarations of nomination for the office of congressional representative for both a first and second district for the state of Montana, as established by the two-district plan provided for in subsection (3). Both offices must be placed on the ballot for the June 2, 1992, primary election.

(b) If a final determination is made before the 1992 primary election that Montana is entitled to only one congressional representative in the 103rd United States congress, the nominations for the office of congressional representative are vacant and the vacancies must be filled as provided in 13-10-326. Votes cast at the primary for candidates for the offices of first and second district congressional representative must be counted, and the returns must be canvassed as provided in Title 13, chapter 15, but no declaration of nomination may be issued under 13-15-507.

(c) If a final determination is made after the 1992 primary election but before the November 1992 general election that Montana is entitled to only one congressional representative in the 103rd United States congress, declarations of nomination issued pursuant to 13-15-507 are invalid, the nominations for the office of congressional representative are vacant, and the vacancies must be filled as provided in 13-10-327. If the date of the final determination is less than 75 days before the 1992 general

election, each political party shall appoint a candidate within 5 days after being notified of the vacancies by the secretary of state, as provided in 13-10-327(2). An independent candidate who wishes to file for the office of congressional representative shall file a petition for nomination within the time provided by this subsection for political parties to file their candidate nominations with the secretary of state.

(2) If a final determination is made on or before April 7, 1992, that Montana is entitled to only one congressional representative in the 103rd United States congress, the secretary of state shall accept declarations of nomination for the office of congressional representative for only one district until March 19, 1992, or for a period of 3 working days from the date of the final determination, whichever is later, and shall place only one congressional representative office on the ballot for the 1992 primary election. If the final determination is made after March 19, 1992, and before April 7, 1992, the filing deadline in 13-10-201(6) does not apply.

(3) (a) As soon as is practical after [the effective date of this act], the Montana districting and apportionment commission shall prepare and hold a hearing on a plan for two congressional districts based on the official 1990 census data. For purposes of subsection (1)(a), the plan must be used by the secretary of state to determine the congressional district in which an elector resides.

(b) If a final determination results in Montana being entitled to two congressional representatives, the commission shall immediately file the two-district plan with the secretary of state. Upon filing, the two-district plan becomes law and applies retroactively to the date that the one-district plan was filed. The two-district plan must state that under the authority of the commission, the two-district plan supersedes the one-district plan filed in April 1991.

Section 2. **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 3. **Effective date.** [This act] is effective on passage and approval.

Approved January 14, 1992.

CHAPTER NO. 3

[HB 19]

AN ACT CREATING A TREASURE STATE ENDOWMENT PROGRAM; CREATING THE TREASURE STATE ENDOWMENT FUND WITHIN THE COAL SEVERANCE TAX TRUST FUND; PROVIDING THAT ONE-HALF OF THE ANNUAL REVENUE THAT WOULD OTHERWISE BE DEPOSITED IN THE COAL SEVERANCE TAX PERMANENT FUND BE DEPOSITED IN THE ENDOWMENT FUND; AUTHORIZING THE USE OF INTEREST FROM THE ENDOWMENT FUND FOR GRANTS, DEBT RETIREMENT, AND LOANS TO LOCAL GOVERNMENTS; TRANSFERRING $10 MILLION FROM THE PERMANENT FUND TO THE ENDOWMENT FUND; EXPANDING THE COAL SEVERANCE TAX BOND PROGRAM; SUBMITTING THE CREATION OF THE PROGRAM TO THE QUALIFIED ELECTORS OF MONTANA; AND AMENDING SECTIONS 17-5-701 AND 17-5-703, MCA.

STATEMENT OF INTENT

A statement of intent is necessary for [this act] because [section 6] delegates rulemaking authority to the department of natural resources and conservation and to the department of commerce. It is the intent of the legislature that in adopting rules to implement the prioritization of projects, the agencies shall use the rules established for determining priorities for water development projects as guidelines. The department of commerce should use its existing procedures for determining the local governments that are eligible for financing as a guide in adopting rules to implement the treasure state endowment program. In adopting rules to implement [this act], the departments shall take into consideration any coordination between [this act] and the coal severance tax school bond contingency loan fund.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Treasure state endowment program created — definitions.** (1) There is a treasure state endowment program that consists of:

(a) the treasure state endowment fund established in 17-5-703; and

(b) the infrastructure portion of the coal severance tax bond program provided for in 17-5-701(2).

(2) Interest from the treasure state endowment fund and from proceeds of the sale of bonds under 17-5-701(2) may be used to provide financial assistance for local government infrastructure projects under [sections 1, 2, and 5 through 8].

(3) As used in [sections 1, 2, and 5 through 8], the following definitions apply:

(a) "Infrastructure projects" means:

(i) drinking water systems;

(ii) wastewater treatment;

(iii) sanitary sewer or storm sewer systems;

(iv) solid waste disposal and separation systems, including site acquisition, preparation, or monitoring; or

(v) bridges.

(b) "Local government" means an incorporated city or town, a county, or a consolidated local government.

(c) "Treasure state endowment fund" means the coal severance tax infrastructure endowment fund established in 17-5-703(1)(b).

(d) "Treasure state endowment program" means the local government infrastructure investment program established in subsection (1).

Section 2. **Purpose.** The purpose of the treasure state endowment program is to assist local governments in funding infrastructure projects that will:

(1) create jobs for Montana residents;

(2) promote economic growth in Montana by helping to finance the necessary infrastructure;

(3) encourage local public facility improvements;

(4) create a partnership between the state and local governments to make necessary public projects affordable;

(5) support long-term, stable economic growth in Montana;

(6) protect future generations from undue fiscal burdens caused by financing necessary public works;

(7) coordinate and improve infrastructure financing by federal, state, local government, and private sources; and

(8) enhance the quality of life and protect the health, safety, and welfare of Montana citizens.

Section 3. Section 17-5-701, MCA, is amended to read:

"17-5-701. State of Montana coal severance tax bonds. This part provides for the issuance of state of Montana coal severance tax bonds (also referred to as coal severance tax bonds in this part) to:

(1) finance water resource development projects and activities in the state designed to provide, during and after extensive coal mining, a healthy economy, the alleviation of social and economic impacts created by coal development, and a clean and healthful environment for present and future generations*; and*

(2) finance loans to local governments for infrastructure projects under [sections 1, 2, and 5 through 8]."

Section 4. Section 17-5-703, MCA, is amended to read:

"17-5-703. Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution shall be composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax shall be deposited;

(b) *a treasure state endowment fund;*

(c) a clean coal technology demonstration fund;

~~(c)~~*(d)* a coal severance tax permanent fund; and

~~(d)~~*(e)* a coal severance tax income fund.

(2) The state treasurer shall determine the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund on the next two ensuing semiannual payment dates and retain that amount in the coal severance tax bond fund.

(3) Beginning on July 1, 1991, and ending on June 30, 1997, the state treasurer shall from time to time transfer from the excess amount in the coal severance tax bond fund $5 million a year to the clean coal technology demonstration fund and, *except as provided in subsection (4), shall transfer* any remaining amount to the coal severance tax permanent fund.

(4) (a) Beginning on July 1, 1993, and ending on June 30, 2013, the state treasurer shall:

(i) from time to time transfer to the treasure state endowment fund all money in the coal severance tax bond fund except the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund on the next two ensuing semiannual payment dates; and

(ii) from time to time transfer to the coal severance tax permanent fund 50% of the principal transferred from the coal severance tax bond fund to the treasure state endowment fund in the preceding year.

(b) The state treasurer shall annually transfer to a treasure state endowment special revenue account the amount of interest earnings required to meet the obligations of the state that are payable from the account in accordance with [section 6]. Interest earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund."

Section 5. **Types of financial assistance available.** The legislature shall provide for and make available to local governments the following types of financial assistance under [sections 1, 2, and 5 through 8]:

(1) matching grants for local infrastructure projects;

(2) annual debt service subsidies on local infrastructure projects; and

(3) loans from the proceeds of coal severance tax bonds at a subsidized interest rate.

Section 6. **Priorities for projects — procedure — rulemaking.** (1) The department of commerce must receive proposals for projects from local governments as defined in [section 1(3)(b)]. The department shall work with a local government in preparing cost estimates for a project. In reviewing project proposals, the department may consult with other state agencies with expertise pertinent to the proposal. The department shall prepare and submit a list containing the recommended projects and the recommended form of financial assistance for each project to the governor, prioritized pursuant to subsection (2). The governor shall review the projects recommended by the department of natural resources and conservation under Title 85, chapter 1, part 6, and shall submit a list of recommended projects and the recommended financial assistance to the legislature.

(2) In preparing recommendations under subsection (1), preference must be given to projects based on the following order of priority:

(a) projects that solve urgent and serious public health or safety problems;

(b) projects that enable local governments to meet state or federal health or safety standards;

(c) projects that enable local governments to obtain funds from sources other than the funds provided under [sections 1, 2, and 5 through 8];

(d) projects that provide long-term, full-time job opportunities for Montanans;

(e) projects that provide public facilities necessary for the expansion of a business that has a high potential for financial success;

(f) projects that result in a benefit to the public commensurate with the amount of financial assistance;

(g) projects that reflect greater need for financial assistance than other projects;

(h) projects that maintain the tax base or that do not discourage expansion of the tax base; and

(i) projects that are high local priorities and have strong community support.

(3) After the review required by subsection (1), the projects must be approved by the legislature.

(4) The department of natural resources and conservation shall adopt rules to implement the prioritization and recommendation of projects to be financed pursuant to 17-5-701.

(5) Except as provided in subsection (4), the department of commerce shall adopt rules necessary to implement the treasure state endowment program.

Section 7. **Infrastructure endowment fund to continue.** The treasure state endowment fund created in 17-5-703 must be maintained even though transfers to the fund from the coal severance tax bond fund cease on June 30 of the 20th year following the initial transfer to the fund, as provided in [section 10]. Interest earnings from the treasure state endowment fund must continue to be paid annually to the treasure state endowment special revenue account as provided in 17-5-703(4)(b).

Section 8. **Coal severance tax trust fund to remain inviolate.** [Sections 1, 2, and 5 through 10] do not authorize or permit the expenditure of any part of the coal severance tax trust fund created by Article IX, section 5, of the Montana constitution.

Section 9. **Legislative implementation required.** (1) The legislature shall implement [this act] by amending or enacting all legislation necessary to carry out the intent of [this act].

(2) If the process required under [section 6] has occurred, the 53rd legislature may approve projects.

(3) The 53rd legislature may authorize the issuance of bonds in order to provide the maximum amount of initial funding for the treasure state endowment program and shall take any action necessary to prevent a negative arbitrage consequence.

Section 10. **Transfer of coal severance tax money to treasure state endowment fund.** On July 1, 1993, $10 million is transferred from the coal severance tax permanent fund to the treasure state endowment fund and is dedicated for the purposes provided in [this act].

Section 11. **Submission to electorate.** The question of whether this act will become effective shall be submitted to the qualified electors of Montana at the primary election to be held in June 1992 by printing on the ballot the full title of this act and the following:

☐ FOR creating the treasure state endowment fund to provide local governments coal severance tax trust fund interest for water, sewer, solid waste, and bridge projects.

☐ AGAINST creating the treasure state endowment fund to provide local governments coal severance tax trust fund interest for water, sewer, solid waste, and bridge projects.

CHAPTER NO. 4

[HB 5]

AN ACT TRANSFERRING TO THE GENERAL FUND A CERTAIN AMOUNT OF MONEY DEPOSITED IN THE INTERNAL SERVICE FUND FROM RECEIPTS FROM THE SALE OF GOODS PRODUCED OR MANUFACTURED BY A STATE INSTITUTION; AMENDING SECTION 53-1-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-1-302, MCA, is amended to read:

"**53-1-302. Disposition of receipts from sale of goods.** Receipts from the sale of goods produced or manufactured by an institution *in the amount of $605,212 for fiscal year 1993 shall be deposited in the general fund on or before June 30, 1993, and all other receipts* shall be deposited in the internal service fund for the use of the industries program of the institution."

Section 2. **Effective date — termination.** [This act] is effective on passage and approval and terminates July 1, 1993.

Approved January 21, 1992.

CHAPTER NO. 5

[HB 6]

AN ACT TRANSFERRING TO THE GENERAL FUND CERTAIN FEES ADMINISTERED BY THE DEPARTMENT OF JUSTICE; AMENDING SECTIONS 61-2-107, 61-2-108, 61-5-121, AND 61-12-504, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-2-107, MCA, is amended to read:

"**61-2-107. License reinstatement fee to fund county drinking and driving prevention programs — *balance transferred.*** (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked

under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of $100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) (a) The department shall deposit one-half of the fees collected under subsection (1) in the general fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108.

(b) The remaining fees collected under subsection (1) that are not allocated under subsection (2)(a) must be deposited in ~~an account in the state special revenue fund to be distributed to county treasurers~~ *the general fund.* ~~The~~ *On or before June 30, 1993, the* department shall ~~distribute to each county treasurer~~ *transfer to the general fund the balance of* money in the *state special revenue* account collected as license reinstatement fees ~~in that county. The county treasurer shall distribute the money to each incorporated city or town in the county in the ratio that the population of the incorporated city or town bears to the total population of incorporated cities or towns in the county, based on figures provided by the most recent official census. An incorporated city or town shall distribute the money to state and local government entities, and private entities working with state and local government entities, that operate programs within the county that address the problems and concerns of minors, including but not limited to substance abuse and delinquency and chemical free youth facilities and programs. Up to one-half of the money distributed under this subsection (b) may be used for adult chemical dependency programs and law enforcement training programs and for equipment for local government law enforcement agencies within the respective jurisdiction.~~"

Section 2. Section 61-2-108, MCA, is amended to read:

"**61-2-108. Funding allocation for programs to prevent or reduce drinking and driving.** If the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in 61-2-106, the department shall, *to the extent of the appropriation authorized for the purpose specified in this part,* transmit the county portion of the proceeds of the license reinstatement fees collected in that county to the county treasurer, as provided in 61-2-107(2)(a), at the end of each quarter."

Section 3. Section 61-5-121, MCA, is amended to read:

"**61-5-121. Disposition of fees.** (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) ~~If~~ *Except as provided in subsection (3), if* the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing licenses or duplicate licenses.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) ~~If~~ *Except as provided in subsection (3), if* the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing motorcycle endorsements.

(d) The amount of 17.5% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) The amount of 53.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 3.75% of each commercial vehicle operator's endorsement fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(g) The amount of 95% of each motorcycle endorsement fee must be deposited into the state traffic education account in the state special revenue fund.

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g).

(3) On or before June 30, 1993, the balance in the driver's license collections account in the state special revenue fund collected pursuant to subsections (1)(b)(ii) and (1)(c)(ii) must be transferred to the general fund."

Section 4. Section 61-12-504, MCA, is amended to read:

"61-12-504. Fees for identification cards — *disposition of fees.* *(1)* Fees not in excess of $1 for ~~such~~ identification cards ~~shall~~ *issued pursuant to this part must* be collected and credited to a state special revenue fund ~~which shall~~ *to* be known as the Montana highway patrol identification card fund. ~~Such~~ *Except as provided in subsection (2), the* fund ~~shall~~ *must* be used by the department to defray the cost of issuing identification cards.

(2) On or before June 30, 1993, the balance in the Montana highway patrol identification card fund must be transferred to the general fund."

Section 5. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the ~~state special revenue~~ *general* fund ~~for use by the department to defray the costs of issuing licenses or duplicate licenses~~.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the ~~state special revenue~~ *general* fund ~~for use by the department to defray the costs of issuing motorcycle endorsements~~.

(d) The amount of 17.5% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) ~~The~~ *In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the* amount of 53.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 3.75% of each commercial vehicle operator's endorsement fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(g) The amount of 95% of each motorcycle endorsement fee must be deposited into the state traffic education account in the state special revenue fund.

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

Section 6. Section 61-12-504, MCA, is amended to read:

"**61-12-504. Fees for identification cards.** Fees not in excess of $1 for ~~such~~ identification cards ~~shall~~ *issued pursuant to this part must* be collected and ~~credited to a state special revenue~~ *deposited in the general* fund ~~which shall be known as the Montana highway patrol identification card fund. Such fund shall be used by the department to defray the cost of issuing identification cards.~~"

Section 7. **Effective dates — termination.** (1) [Sections 1 through 4] and this section are effective on passage and approval, and [sections 1 through 4] terminate July 1, 1993.

(2) [Sections 5 and 6] are effective July 1, 1993.

Approved January 21, 1992.

CHAPTER NO. 6

[HB 9]

AN ACT TRANSFERRING TO THE GENERAL FUND A PORTION OF CERTAIN FEES COLLECTED BY THE SECRETARY OF STATE; AMENDING SECTIONS 2-4-313 AND 2-6-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-4-313, MCA, is amended to read:

"**2-4-313. Distribution, costs, and maintenance.** (1) The secretary of state shall distribute copies of ARM and supplements or revisions thereto to the following:

(a) attorney general, one copy;

(b) clerk of United States district court for the district of Montana, one copy;

(c) clerk of United States court of appeals for the ninth circuit, one copy;

(d) county commissioners or governing body of each county of this state, for use of county officials and the public, at least one but not more than two copies, which may be maintained in a public library in the county seat or in the county offices as the county commissioners or governing body of the county may determine;

(e) state law library, one copy;

(f) state historical society, one copy;

(g) each unit of the Montana university system, one copy;

(h) law library of the university of Montana, one copy;

(i) legislative council, two copies;

(j) library of congress, one copy;

(k) state library, one copy.

(2) The secretary of state, each county in the state, and the librarians for the state law library and the university of Montana law library shall maintain a complete, current set of ARM, including supplements or revisions thereto. Such persons shall also maintain the register issues published during the preceding 2 years. The secretary of state shall also maintain a permanent set of the registers.

(3) The secretary of state shall make copies of and subscriptions to ARM and supplements or revisions thereto and the register available to any person at prices fixed in accordance with subsection (4).

(4) The secretary of state, in consultation with the administrative code committee, shall determine the cost of supplying copies of ARM and supplements or revisions thereto and the register to persons not listed in subsection (1). The cost shall be the approximate cost of publication of such copies, including indexing, printing or duplicating, and mailing. However, a uniform price per page or group of pages may be established without regard to differences in cost of printing different parts of ARM and supplements or revisions thereto and the register.

(5) The secretary of state shall deposit ~~all~~ fees he collects *in the amount of $20,000 for fiscal year 1993 in the general fund on or before June 30, 1993, and shall deposit all other fees* in an account within the state special revenue fund created for paying the expenses of publication of ARM and the register.

(6) The secretary of state may charge agencies a filing fee for all material to be published in ARM or the register. He shall fix, in consultation with the administrative code committee, the fee to cover the costs of supplying copies of ARM and supplements or revisions thereto and the register to the persons listed in subsection (1). The cost shall be the approximate cost of publication of such copies, including indexing, printing or duplicating, and mailing. However, a uniform price per page or group of pages may be established without regard to differences in cost of printing different parts of ARM and supplements or revisions thereto and the register."

Section 2. Section 2-6-211, MCA, is amended to read:

"2-6-211. **Transfer of public records.** (1) All public records not required in the current operation of the office where they are made or kept and all records of each agency, commission, committee, or any other activity of the executive branch of state government which may be abolished or discontinued shall be, in accordance with approved records retention schedules, either transferred to the state records center or transferred to the custody of the state archives if such records are considered to have permanent administrative or historical value.

(2) When records are transferred to the state records center, the agency so doing loses none of its rights of control and access. The state records center is only a custodian of the agency records, and access will only be by agency approval. Agency records for which the state records center acts as custodian may not be subpoenaed from the state records center but must be subpoenaed from the agency to which the records belong. Fees may be charged to cover the cost of records storage and servicing. *On or before June 30, 1993, the secretary of state shall transfer $20,000 to the general fund from the proprietary account funded by this section.*

(3) If an agency does not wish to transfer records as provided in an approved retention schedule, the agency shall, within 30 days, notify the secretary of state and request a change in the schedule."

Section 3. **Effective date — termination.** [This act] is effective on passage and approval and terminates July 1, 1993.

Approved January 21, 1992.

CHAPTER NO. 7

[HB 12]

AN ACT PROVIDING THAT CERTAIN GRANTS MADE UNDER THE WATER DEVELOPMENT PROGRAM, THE RENEWABLE RESOURCE DEVELOPMENT PROGRAM, AND THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM ARE NOT REAUTHORIZED; AMENDING SECTION 12, CHAPTER 551, LAWS OF 1991, AND SECTION 5, CHAPTER 552, LAWS OF 1991; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 12, Chapter 551, Laws of 1991, is amended to read:

"Section 12. **Appropriations established.** *(1)* For any entity of state government that receives a grant or loan under [sections 1 through 12], an appropriation is established for the amount of the grant or loan upon award of the grant or loan by the department of natural resources and conservation. ~~Grants~~ *Except as provided in subsection (2), grants* to state entities from prior bienniums are reauthorized for completion of contract work.

(2) The following grants are not reauthorized:

(a) Carbon County/Roberts water system, $17,500;

(b) Cascade water system, $50,000; and

(c) Cascade landfill and park, $11,711."

Section 2. Section 5, Chapter 552, Laws of 1991, is amended to read:

"Section 5. **Appropriations established.** *(1)* For any entity of state government that receives a grant under [sections 1 through 6], an appropriation is established for the amount of the grant upon award of the grant by the department of natural resources and conservation. ~~Grants~~ *Except as provided in subsection (2), grants* to state entities from prior bienniums are reauthorized for completion of contract work.

(2) The following grants are not reauthorized:

(a) Cataract Creek reclamation, $21,565; and

(b) Grasshopper Creek restoration, $2,274."

Section 3. **Effective date.** [This act] is effective on passage and approval.

Approved January 21, 1992.

CHAPTER NO. 8

[HB 13]

AN ACT DIVERTING TO THE MONTANA ARTS COUNCIL, FOR OPERATING EXPENSES, A PORTION OF THE COAL SEVERANCE TAX NOW DEDICATED TO THE NONEXPENDABLE TRUST FUND FOR THE PURPOSE OF PROTECTION OF WORKS OF ART IN THE STATE CAPITOL AND FOR OTHER CULTURAL AND AESTHETIC PROJECTS; AMENDING SECTIONS 15-35-108 AND 22-2-304, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-35-108, MCA, is amended to read:

"**15-35-108.** *(Temporary)* **Disposal of severance taxes.** Severance taxes collected under this chapter must be allocated according to the provisions in effect on the date the tax is due under 15-35-104. Severance taxes collected under the provisions of this chapter are allocated as follows:

(1) To the trust fund created by Article IX, section 5, of the Montana constitution, 50% of total coal severance tax collections. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Starting July 1, 1987, and ending June 30, 2003, 12% of coal severance tax collections are allocated to the highway reconstruction trust fund account in the state special revenue fund.

(3) Coal severance tax collections remaining after the allocations provided by subsections (1) and (2) are allocated in the following percentages of the remaining balance:

(a) 17 ½% to the credit of the local impact account. Unencumbered funds remaining in the local impact account at the end of each biennium are allocated to the state special revenue fund for state equalization aid to public schools of the state.

(b) 30% to the state special revenue fund for state equalization aid to public schools of the state;

(c) 1% to the state special revenue fund to the credit of the county land planning account;

(d) 1 ¼% to the credit of the renewable resource development bond fund;

(e) 0% to a nonexpendable trust fund for the purpose of parks management. Income from this trust fund must be appropriated for the development, operation, and maintenance of any sites and areas described in 23-1-102.

(f) 1% to the state special revenue fund to the credit of the state library commission for the purposes of providing basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking;

(g) 1/2 of 1% to the state special revenue fund for conservation districts;

(h) 1 ¼% to the debt service fund type to the credit of the water development debt service fund;

(i) 2% to the state special revenue fund for the Montana Growth Through Agriculture Act;

(j) 1 ⅔% to *the Montana arts council, to be allocated as follows:*

(i) 42 ½% for operating costs; and

(ii) 57 ½% to a nonexpendable trust fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Income from this trust fund shall be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(k) beginning July 1, 1991, and ending June 30, 1993, 3 ⅓% to a special revenue account to be used by the department of fish, wildlife, and parks for the development, operation, and maintenance of state parks and the stabilization and preservation of historic sites within the state park system;

(l) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund of the state. *(Terminates June 30, 1993—sec. 3, Ch. 615, L. 1991.)* "

Section 2. Section 22-2-304, MCA, is amended to read:

"22-2-304. Cultural and aesthetic project appropriations — administration. (1) The legislature must appropriate funds from the income of the trust fund created in 15-35-108~~(3)(e)~~ *for cultural and aesthetic projects* before any grant for a cultural or aesthetic project is awarded.

(2) Costs incurred by the Montana arts council for accounting, correspondence, project visits, and solicitation of proposals related to cultural and aesthetic project grants and the costs of the advisory committee established in 2-15-1521 shall be paid from appropriations from the income of the trust fund.

(3) Grant proposals are heard by a legislative appropriations subcommittee.

(4) Grant proposals approved by the legislature are administered by the Montana arts council."

Section 3. **Effective date — termination.** [This act] is effective July 1, 1992, and [section 1] terminates June 30, 1993.

Approved January 21, 1992.

CHAPTER NO. 9

[HB 18]

AN ACT TRANSFERRING TO THE GENERAL FUND AMOUNTS IN EXCESS OF $50,000 IN THE SCIENCE AND TECHNOLOGY DEVELOPMENT ACCOUNT; CLARIFYING THE REVENUE TO BE DEPOSITED IN THE SCIENCE AND TECHNOLOGY DEVELOPMENT ACCOUNT; AMENDING SECTIONS 90-3-305 AND 90-3-525, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 90-3-305, MCA, is amended to read:

"**90-3-305. Science and technology development account.** (1) There is a science and technology development account within the state special revenue fund established in 17-2-102.

(2) There must be paid into the science and technology development account:

(a) the payback of principal and earnings on a research and development project loan, made from a source other than the Montana permanent coal tax trust fund, executed under this chapter; and

(b) all payback of principal and earnings to the board from any agreements executed by the board between July 1, 1985, and March 31, 1989.

(3) Any time the balance of the science and technology development account exceeds $50,000, the board shall transfer the amount of the balance in excess of $50,000 to the general fund."

Section 2. Section 90-3-525, MCA, is amended to read:

"**90-3-525. Deposit of payback — ~~seed capital and research and development project loans~~.** (1) The ~~payback of principal and earnings on a seed capital project loan executed under this chapter or on a research and development project loan from the Montana permanent coal tax trust fund or the~~ payback of principal and earnings on a research and development project loan from a source other than the

Montana permanent coal tax trust fund must be deposited to the state special revenue fund to the credit of the science and technology development account created in 90-3-305.

(2) All paybacks of principal and earnings to the board from any agreements executed by the board between July 1, 1985, and March 31, 1989, must be deposited to the state special revenue fund to the credit of the science and technology development account created in 90-3-305 for use by the board. The paybacks include all those received after January 1, 1989."

Section 3. **Effective date — termination.** [This act] is effective on passage and approval, and [section 1] terminates June 30, 1993.

Approved January 21, 1992.

CHAPTER NO. 10

[SB 1]

AN ACT CLARIFYING THE EFFECTIVE DATE AND APPLICABILITY DATE OF CHAPTER 823, LAWS OF 1991; ENSURING THAT NO UNINTENDED PENSION BENEFIT RESULTS FROM THAT ACT; REVISING CERTAIN REPORTING AND CERTIFICATION DATES; REVISING THE DATE ON WHICH THE STATE TREASURER TRANSFERS FUNDS TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD AND THE TEACHERS' RETIREMENT BOARD AND THE DATE ON WHICH ADJUSTMENT PAYMENTS ARE MADE; AMENDING SECTIONS 19-15-101 AND 19-15-102, MCA, AND SECTION 22, CHAPTER 823, LAWS OF 1991; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE.

WHEREAS, Chapter 823, Laws of 1991, provided, among other things, for adjustment payments to retirees of state, local, and teacher retirement systems who are also Montana residents; and

WHEREAS, the first adjustment payments were intended to be made for the 1991 tax year and to be payable to retirees by June 1, 1992; and

WHEREAS, the language of section 5, Chapter 823, Laws of 1991, which provides for the payment of the retirement adjustments by June 1 of each year, read together with the May 24, 1991, effective date of Chapter 823 created confusion and a question of whether the adjustment payments were required to be paid beginning June 1, 1991, for the 1990 tax year, which was not the intended result; and

WHEREAS, the additional, unintended payments have not been made at this time; and

WHEREAS, the impact on the general fund of beginning the adjustment payments a year earlier than intended is estimated to be approximately $2.9 million; and

WHEREAS, this act is intended as a curative amendment to Chapter 823, Laws of 1991, to clarify that the intent of the 52nd Legislature in enacting Chapter 823, Laws of 1991, was to make the first adjustment payments beginning June 1, 1992.

THEREFORE, the Legislature of the State of Montana finds it is appropriate to amend the effective date and applicability date of Chapter 823, Laws of 1991.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 22, Chapter 823, Laws of 1991, is amended to read:

"Section 22. **Effective date — retroactive applicability.** ~~[This act] is~~ *(1) [Sections 1 through 3, 6 through 17, and 19 through 22] are* effective on passage and approval ~~and applies~~.

(2) [Sections 4, 5, and 18] are effective July 1, 1991.

(3) [Sections 1 through 3 and 6 through 17] apply retroactively, within the meaning of 1-2-109, to taxable years beginning after December 31, 1990."

Section 2. Section 19-15-101, MCA, is amended to read:

"19-15-101. Retirement adjustment — annual deposit — statutory appropriation. (1) There are statutorily appropriated, as provided in 17-7-502, from the general fund to the public employees' retirement board and the teachers' retirement board the amounts provided in subsection (2) for distribution to members of retirement systems as provided in 19-15-102.

(2) On or before ~~May~~ *March* 1 of each year, the state treasurer shall pay to the public employees' retirement board and the teachers' retirement board an amount equal to 2 ½% of the total benefits paid by both systems during the prior calendar year. In distributing the appropriations to the boards, the treasurer shall consult with the boards to determine the amounts necessary for uniform payments to members. The amount of the benefits must be certified to the treasurer by the public employees' retirement board and the teachers' retirement board no later than ~~April 1~~ *February 15* of each year. For the purpose of this section, the public employees' retirement board shall collect information and certify the amount of benefits paid pursuant to Title 19, chapters 10 and 11. ~~Not later than February 15 of each year, the~~ *The* boards of trustees of local police retirement funds, provided in 19-10-201, and boards of trustees of local fire department relief associations, provided in 19-11-104, shall submit reports on benefit payments containing information requested by the public employees' retirement board."

Section 3. Section 19-15-102, MCA, is amended to read:

"19-15-102. Montana retirement adjustment payments — public employees' retirement board. (1) Not later than ~~June~~ *April* 1 of each year, the public employees' retirement board and the teachers' retirement board shall fix and pay to those members entitled to it an annual adjustment payment. The adjustment payment is determined for each system based upon the benefits paid by the system in the prior calendar year and on the annual benefit to which each Montana resident member of the system is entitled.

(2) (a) The public employees' retirement board shall allocate money appropriated for retirement adjustment to the public retirement systems in Title 19, chapters 3 and 5 through 13. The allocation to each system must be made based upon the annual amount each system's benefits payments bears to the amount paid by all of the systems specified in this subsection.

(b) The teachers' retirement board shall administer the money appropriated for retirement adjustment to the teachers' retirement system in Title 19, chapter 4.

(3) (a) Each member of a system listed in subsection (2) who is a resident of the state and who is entitled to an annual benefit is entitled to a retirement adjustment payment. Each retirement system specified in subsection (2), through the public employees' retirement board, the teachers' retirement board, or a local retirement board of trustees, as appropriate, shall distribute its allocation of the money appropriated for retirement adjustment to its members entitled to adjustment payments. The governing board of each system set forth in subsection (2) shall provide an annual adjustment payment that is a percentage of annual benefits.

(b) The methodology that the public employees' retirement board and the teachers' retirement board use to calculate adjustments for systems administered by them must be adopted by rule pursuant to Title 2, chapter 4.

(c) For the purposes of this section, a "Montana resident" means a person domiciled in the state and any person who maintains a permanent place of abode within the state."

Section 4. **Effective dates — retroactive applicability.** (1) [Section 1 and this section] are effective on passage and approval. [Section 1] applies retroactively, within the meaning of 1-2-109, to May 24, 1991.

(2) [Sections 2 and 3] are effective July 1, 1992.

Approved January 21, 1992.

CHAPTER NO. 11

[SB 4]

AN ACT DEFINING A PROPOSED SUPPLEMENTAL APPROPRIATION; PROVIDING A PROCEDURE FOR THE REVIEW OF A PROPOSED SUPPLEMENTAL APPROPRIATION; AMENDING SECTION 17-7-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-7-301, MCA, is amended to read:

"**17-7-301. Authorization to expend during first year of biennium from appropriation for second year — *proposed supplemental appropriation defined.*** (1) A state department, institution, or agency of the executive branch desiring authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium shall ~~make application for such authorization~~ *submit a proposed supplemental appropriation* to the governor through the budget director. If the governor finds that, due to an unforeseen and unanticipated emergency, the amount actually appropriated for the first fiscal year of the biennium with all other income will be insufficient for the operation and maintenance of said department, institution, or agency during the year for which the appropriation was made, he ~~may~~ *shall*, after careful study and examination of the request and upon review of the recommendation of the budget director, *submit the proposed supplemental appropriation to the legislative fiscal analyst. Upon*

receipt of the recommendation of the legislative finance committee pursuant to [section 2], the governor may authorize an expenditure during the first fiscal year of the biennium to be made from the appropriation for the second fiscal year of the biennium.

(2) The department, institution, or agency may expend the amount authorized by the governor only for the purposes specified in the authorization.

(3) The governor shall report to the next legislature in a special section of the budget the amounts expended as a result of all such authorizations granted by him and shall request that any necessary supplemental appropriation bills be passed.

(4) As used in this part, "proposed supplemental appropriation" means an application for authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium."

Section 2. **Proposed supplemental appropriation — procedure.** (1) A proposed supplemental appropriation and all supporting documentation must be submitted to the legislative fiscal analyst. The governor may not approve a proposed supplemental appropriation until the governor receives the legislative finance committee's written report for that proposed supplemental appropriation unless:

(a) the report is not received within 90 calendar days from the date the proposed supplemental appropriation and supporting documentation were forwarded to the legislative finance committee, in which case the governor may approve the proposed supplemental appropriation; or

(b) there has been a waiver of the review and report requirements, as provided in subsection (4).

(2) The legislative fiscal analyst shall review each proposed supplemental appropriation submitted by the governor for compliance with statutory requirements and standards and shall present a written report of this review to the legislative finance committee. Within 10 days after the legislative finance committee's consideration of the proposed supplemental appropriation, the legislative fiscal analyst shall submit the legislative finance committee's report to the governor.

(3) Upon receipt of the legislative finance committee's written report, the governor may approve or deny the proposed supplemental appropriation or may return the proposed supplemental appropriation to the requesting agency for further information. If the governor has returned the proposed supplemental appropriation to the requesting agency and the requesting agency resubmits the proposed supplemental appropriation to the governor, all procedures provided in this section apply to the resubmitted proposed supplemental appropriation.

(4) (a) If an emergency occurs that poses a serious threat to the life, health, or safety of the public, the legislative fiscal analyst may waive the written review and the legislative finance committee's written report required by this section. After a waiver, the legislative fiscal analyst may complete the written review.

(b) Upon receipt of the waiver, the governor may approve the proposed supplemental appropriation.

(c) A waiver affects only the legislative fiscal analyst's written review and the legislative finance committee's written report on the proposed supplemental ap-

propriation. All other proposed supplemental appropriation requirements and standards remain in effect.

(5) Nothing in this part confers on the legislative finance committee authority to approve or deny a proposed supplemental appropriation.

Section 3. **Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 17, chapter 7, part 3, and the provisions of Title 17, chapter 7, part 3, apply to [section 2].

Section 4. **Effective date.** [This act] is effective on passage and approval.

Approved January 21, 1992.

CHAPTER NO. 12

[SB 5]

AN ACT AUTHORIZING STATE LOANS TO SCHOOL DISTRICTS TO PAY HOLDERS OF SCHOOL DISTRICT BONDS DECLARED INVALID OR UNENFORCEABLE BY A FINAL COURT ORDER OR INJUNCTION; PROVIDING CRITERIA TO QUALIFY FOR THE STATE LOANS; ESTABLISHING A COAL SEVERANCE TAX SCHOOL BOND CONTINGENCY LOAN FUND; REQUIRING A SCHOOL DISTRICT TO INCLUDE A COVENANT IN THE BOND RESOLUTION; LIMITING THE AMOUNT OF STATE-SECURED LOAN AUTHORITY ALLOCABLE TO SCHOOL DISTRICTS; AMENDING SECTIONS 17-5-703, 17-5-704, AND 17-6-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A CONTINGENT EFFECTIVE DATE.

WHEREAS, the decision of the Montana Supreme Court in Helena Elementary School District No. 1 v. State of Montana, 236 M 44, 769 P2d 684 (1989) (the Helena School District case), which became effective July 1, 1991, created uncertainty as to the validity and enforceability of Montana school district bonds issued after July 1, 1991; and

WHEREAS, neither the 1989 Legislature in House Bill No. 28, which addressed the funding issue for school operation, nor the 1991 Legislature addressed equalization of capital outlay; and

WHEREAS, on October 7, 1991, the Montana Supreme Court denied a request to delay the effective date of its decision in the Helena School District case beyond July 1, 1991; and

WHEREAS, since July 1, 1991, Montana school districts have been unable to issue bonds because bond counsel is unable to give an unqualified opinion as to the validity and enforceability of the bonds; and

WHEREAS, there are certain school districts that are in need of new facilities but are currently unable to market bonds, including Plentywood and West Glacier, whose schools were destroyed by fire; Livingston, which faces closure of its 80-year-old building by the State Fire Prevention and Investigation Program; and Clancy, which, like other districts, faces the threat of accreditation loss because of the unsafe and unsanitary conditions of its building.

THEREFORE, the Legislature finds it appropriate that until the 1993 Legislature can address the issue of capital outlay equalization, the state provide school districts the authority to obtain loans secured by the state to pay holders of school district bonds issued between [the effective date of this act] and January 1, 1993, by school districts faced with severe deficiencies in their current facilities.

Be it enacted by the Legislature of the State of Montana:

Section 1. **School district bonds — state loan — qualifications for state loan.** (1) The department of administration shall make a loan from the coal severance tax school bond contingency loan fund, established in 17-5-703(1)(c), to a school district in an amount equal to the principal and interest payment on qualifying bonds when due in accordance with the provisions contained in the bonds. In order to receive a loan, the school district must:

(a) have issued bonds between [the effective date of this act] and January 1, 1993, pursuant to 20-9-421 and 20-9-464;

(b) be prevented from making principal and interest payments on the bonds because the debt service levy for the bonds:

(i) has been declared invalid or unenforceable under Article II, section 4, or Article X, section 1, of the Montana constitution by a final court order; or

(ii) is prevented by an injunction;

(c) have exhausted the debt service reserve for the bonds; and

(d) have complied with all the requirements for the bonds contained in [section 2] and this section.

(2) To qualify for the state loan described in subsection (1), a school district, before issuing its bonds, must have:

(a) received voter approval for bonds pursuant to 20-9-421;

(b) following voter approval, received a certificate of eligibility from the board of public education stating that after consultation with the superintendent of public instruction, the board has determined that a minimum of 75% of the principal amount of the proposed bonds will be used to:

(i) restore, rebuild, or replace a destroyed or severely damaged school building;

(ii) correct one or more building deficiencies that affect the health and safety of school children;

(iii) correct one or more deficiencies that prevent the school district from meeting current accreditation standards; or

(iv) address any combination of circumstances described under subsections (2)(b)(i) through (2)(b)(iii); and

(c) received a final certificate of allocation from the department of administration pursuant to subsection (5).

(3) The board of public education shall:

(a) maintain a record of the total principal amount of bonds for which certification has been issued; and

(b) immediately furnish to the department a copy of each certificate issued.

(4) Upon receipt of a copy of the certificate from the board of public education, the department shall temporarily allocate loan authority to the school district equal to the principal amount of bonds indicated in the board's certificate. The principal amount of bonds for which final certification is issued may be less than the principal amount of bonds approved by the voters pursuant to subsection (2)(a).

(5) To obtain a final certificate of allocation, a school district shall provide the department, on a form provided by the department, the following information:

(a) the tentative date of sale of the school district's bonds;

(b) the principal amount of the bonds to be issued;

(c) the name and addresses of bond counsel and the financial advisor; and

(d) other information as requested by the department.

(6) Upon issuance of the bonds, a school district shall forward to the department a copy of the district's bond resolution, the final opinion of bond counsel on the bonds, and a schedule of principal and interest payments on the bonds to maturity. The bond resolution must include a covenant agreeing to:

(a) defend any lawsuit challenging the school district's authority to sell and issue the bonds and to levy a tax for payment of the principal of and interest on the bonds;

(b) provide to the department before August 1 of each year a report of the school district's outstanding principal balance as of the preceding June 30 on the bonds secured by state loans;

(c) refund the bonds on any normal call date if, during the term of the bonds, the school district can refund its bonds without the state loan security and without increasing its total debt service costs on the bonds; and

(d) enter into a contract with the department establishing a schedule to repay the state if the state loans the school district money to make payments on district bonds. Notwithstanding other provisions of law, the loan must be repaid by the school district at a rate equivalent to the average yield of the pooled investment fund established in 17-6-203(3), commonly known as the short-term investment pool, for the period of the loan. Repayment must begin no later than January 1, 1994, and the loan must be repaid in full within 10 years from the date the first loan is issued to a school district. Repayment must be paid from the sources designated for repayment of the bonds or from any other revenue and assets of the school district, including state equalization funds currently distributed or which may be distributed to the district. Loan repayments received by the department must be deposited in the coal severance tax school bond contingency loan fund.

(7) The department shall maintain a record of the total principal amount of bonds secured by state loans.

(8) A school district issuing bonds subject to [section 2] and this section may apply to the attorney general for a determination as to whether its bonds are affected by a court order declaring that the bonds of another district are invalid or unenforceable.

(9) A school district whose authority to levy a property tax to pay principal of and interest on bonds has been challenged shall, upon notification of the challenge, immediately notify the attorney general and the department.

Section 2. **State loan — limitation on state loan authority — priority of loan allocation — application.** (1) The allocation of the state's loan authority for bonds issued pursuant to [section 1] is intended only to enable a school district to issue bonds pending resolution of the financing of capital outlay.

(2) Except as provided in subsection (5), the total principal amount of school district bonds that may be secured by loans under [section 1] may not exceed $25 million and must be allocated to qualifying school districts on a first-come, first-serve basis in order of issuance of final certificates of allocation by the department of administration.

(3) An individual school district may not issue bonds secured by a state loan with a principal amount in excess of $6 million.

(4) If more than one school district qualifies for a state loan and an insufficient amount of state loan authority remains, the board of public education shall allocate the state loan authority to the district with the earliest voter approval of its bonds.

(5) Prior to allocating the final $1.5 million of state loan authority under [section 1], the board of public education shall determine if there is a school district eligible for a state loan under [section 1(2)(b)(i)] and, if so, shall give that district first priority to the remaining loan authority.

(6) This section does not apply unless a bond resolution contains the covenant required under [section 1(6)].

Section 3. Section 17-5-703, MCA, is amended to read:

"17-5-703. Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution shall be composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax shall be deposited;

(b) a clean coal technology demonstration fund;

(c) a coal severance tax permanent fund; ~~and~~

(d) a coal severance tax income fund; *and*

(e) a coal severance tax school bond contingency loan fund.

(2) The state treasurer shall determine the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund on the next two ensuing semiannual payment dates and retain that amount in the coal severance tax bond fund.

(3) (a) On [the effective date of this act] and continuing as long as any school district bonds secured by state loans under [section 1] are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district bonds secured by state loans under [section 1] during the next following 12 months.

~~(3)~~*(4)* Beginning ~~on~~ July 1, 1991, and ending ~~on~~ June 30, 1997, *from any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of any amount that is required to be transferred by subsection (3),* the state treasurer shall from time to time transfer ~~from the excess amount in the coal severance tax bond fund~~ *an amount not exceeding* $5 million ~~a~~ *per fiscal* year to the clean coal technology demonstration fund ~~and any remaining amount to the coal severance tax permanent fund~~.

(5) Beginning July 1, 1997, the state treasurer shall transfer to the coal severance tax permanent fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsections (3) and (4)."

Section 4. Section 17-5-704, MCA, is amended to read:

"17-5-704. **Investment of funds.** Money in the coal severance tax bond fund, the coal severance tax permanent fund, ~~and~~ the coal severance tax income fund, *and the coal severance tax school bond contingency loan fund* must be invested in accordance with the investment standards for coal severance tax funds. Income and earnings from all funds are statutorily appropriated, as provided in 17-7-502, as follows:

(1) 15% to the state equalization aid account; and

(2) 85% to the state general fund."

Section 5. Section 17-6-310, MCA, is amended to read:

"17-6-310. ~~No~~ *Limits on* **direct loans.** (1) ~~The~~ *Except as provided in [section 1], the* state may not use ~~this revenue~~ *the portion of the permanent coal tax trust fund designated for investment in the Montana economy* to make direct loans.

(2) ~~The~~ *Except as provided in [section 1], the* permanent coal tax trust fund may not be used by the board of investments to make direct loans to individual borrowers. The purchase of debentures issued by a capital company and loans or portions of loans originated by a financial institution that are sold to the trust are not direct loans."

Section 6. **Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 20, chapter 9, part 4, and the provisions of Title 20, chapter 9, part 4, apply to [sections 1 and 2].

Section 7. Section 17-5-703, MCA, is amended to read:

"17-5-703. Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution shall be composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax shall be deposited;

(b) *a treasure state endowment fund;*

(c) a clean coal technology demonstration fund;

~~(c)~~*(d)* a coal severance tax permanent fund; ~~and~~

~~(d)~~*(e)* a coal severance tax income fund*; and*

(f) a coal severance tax school bond contingency loan fund.

(2) The state treasurer shall determine the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund on the next two ensuing semiannual payment dates and retain that amount in the coal severance tax bond fund.

(3) (a) On [the effective date of this act] and continuing as long as any school district bonds secured by state loans under [section 1] are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district bonds secured by state loans under [section 1] during the next following 12 months.

~~(3)~~*(4)* Beginning ~~on~~ July 1, 1991, and ending ~~on~~ June 30, 1997, *from any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of any amount that is required to be transferred by subsection (3),* the state treasurer shall from time to time transfer ~~from the excess amount in the coal severance tax bond fund~~ *an amount not exceeding* $5 million ~~a~~ *per fiscal* year to the clean coal technology demonstration fund ~~and any remaining amount to the coal severance tax permanent fund~~.

(5) Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall transfer to the treasure state endowment fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsections (3) and (4).

(6) (a) Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall from time to time transfer to the coal severance tax permanent fund 50% of the principal transferred from the coal severance tax bond fund to the treasure state endowment fund in the preceding year.

(b) The state treasurer shall annually transfer to the treasure state endowment special revenue account the amount of interest earnings required to meet the obligations of the state that are payable from the account in accordance with [section 6 of House Bill No. 19]. Interest earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund."

Section 8. **Effective dates — coordination.** (1) [Sections 1 through 6 and this section] are effective on passage and approval.

(2) If House Bill No. 19 is passed and is approved by the electorate, then [section 3 of this act] and [section 4 of House Bill No. 19] are void and [section 7 of this act] is effective on the date of approval by the electorate.

Approved January 21, 1992.

CHAPTER NO. 13

[HB 2]

AN ACT TO GENERALLY REVISE APPROPRIATIONS FOR THE 1992 BIENNIUM; AMENDING THE GENERAL APPROPRIATIONS ACT OF 1991 AND OTHER ACTS APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 1993; AMENDING CHAPTER 815; SECTION 9, CHAPTER 526; SECTION 2, CHAPTER 546; SECTION 4, CHAPTER 559; SECTION 16, CHAPTER 604; SECTION 6, CHAPTER 634; SECTION 1, CHAPTER 707; SECTION 16, CHAPTER 720; SECTION 1, CHAPTER 753; SECTION 12, CHAPTER 765; SECTION 6, CHAPTER 774; SECTION 9, CHAPTER 781; SECTION 5, CHAPTER 816; AND SECTION 1, CHAPTER 820, LAWS OF 1991; REPEALING SECTION 7, CHAPTER 725, LAWS OF 1991; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Chapter 815, Laws of 1991, is amended to read:

"**Section 1. Short title.** [This act] may be cited as "The General Appropriations Act of 1991".

Section 2. Limit on personal services transfer — exceptions. (1) Funds appropriated for personal services or indicated in legislative intent as having been appropriated for personal services may not be expended under any other category unless the approving authority approves a specific agency request for the 1993 biennium only, which request is justified either on the basis of documented cost savings or as specified in subsection (2). The approving authority shall submit its analysis of the cost savings to the legislative auditor, with wages and fringe benefits separately documented from other cost savings. The legislative audit committee shall review the approving authority's analysis and report to the 53rd legislature on the savings realized.

(2) If an agency is unable to recruit and hire professional positions funded in the appropriation, funds appropriated for personal services may be used to fund an agreement or contract to provide services that are identical to those services performed by an authorized position. The amount used for the agreement or contract may not be more than the amount authorized for the position less any personal services reduction. The agency director shall certify to the approving authority, as defined in ~~House Bill No. 454~~ *17-7-102*, or his designated representative that the agency is unable to fill the position and that the services performed by that position are necessary.

Section 3. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 1993 biennium, are adopted as legislative intent.

Section 4. Reorganization. If any agency reorganizes during the 1993 biennium, the agency shall present for fiscal 1992 and fiscal 1993 by program:

(1) a restatement of the FTE records and financial records consistent with the reorganized structure; and

(2) a comparison of the original operating budget to the revised operating budget that reflects the reorganization. Reorganization means transfer of functions or five or more FTE from one program to another.

Section 5. Natural resources damage assessment repayment. In the natural resource damage assessment and litigation against the atlantic richfield company, the state shall seek repayment of any funds appropriated in [this act] that are expended by a state agency for the purpose of conducting the assessment and/or litigation. This repayment must include interest on the funds at a rate commensurate with rates earned in the short-term investment pool.

~~**Section 6. Personal services reduction.** The line item for "personal services reduction" reduces the agency's total personal services appropriations. Before [this act] is enrolled, the legislative fiscal analyst is directed to allocate the personal services reduction among programs within the agency. This allocation must be:~~

(1) made after all other amendments contained in this conference committee report have been made; and

(2) based upon the funding for all control variables within each program, excluding control variables that do not contain personal services.

Section ~~7~~ 6. Budget reduction. The line item for "budget reduction" reduces the agency's total general fund appropriation. The agency, with the approval of the approving authority as defined in ~~House Bill No. 454~~ *17-7-102*, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

Section ~~8~~ 7. Vacant positions. If a budgeted position remains unfilled for more than 6 months, the position may be filled only after approval by the approving authority. The approving authority shall document in writing the justification and approval for filling each position that was vacant for more than 6 months and shall provide the documentation to the office of budget and program planning and to the office of the legislative fiscal analyst if requested. If a budgeted position remains

unfilled for more than 1 year, the approving authority may not include the position in the budget request base for the executive budget request that will be presented to the 53rd legislature. The budget request presented to the 53rd legislature must include an analysis of vacant positions subject to the approval requirement in this section and must specifically identify those positions that remained unfilled for more than 1 year and are included in the budget request as modifications.

~~Section 9. Employee training documentation. All agencies shall identify on the statewide budgeting and accounting system the costs of providing training to employees, including travel but not including the personal services costs for the employees being trained. In addition, agencies shall maintain statistics and information that disclose the days of training provided to employees, the number of employees who received training, and the type of training provided.~~

Section ~~10~~ *8.* **Severability.** If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, such decision does not affect the validity of the remaining portions of [this act].

Section ~~11~~ *9.* **Audit cost.** Amounts appropriated for audits may be transferred between fiscal years. Agencies shall reserve enough cash in each fund to pay for audit costs and shall, to the maximum extent allowable under federal regulations, charge audit costs to federal funds. The budget director shall increase the agency line item appropriations for legislative audits by amounts that total the amount appropriated for the 1993 biennium from the legislative auditor's special revenue fund for the purpose of state pay plan funding. The budget director shall allocate the amounts on the same basis that current line items for legislative audits in agency budgets are allocated in [this act].

Section ~~12~~ *10.* **Technical allocation costs.** For agencies with internal cost allocation plans funded with proprietary revenues, the budget director shall adjust agency appropriations by amounts necessary to increase the budgets for indirect costs attributable to pay increases in an agency's indirect cost pool appropriated in the state pay plan bill. Funding for this appropriation consists of general fund money and other funds in an amount proportionate to the funding allocated for budgeting indirect cost assessments in [this act].

Section ~~13~~ *11.* **Account analysis.** All agencies shall reexamine their proprietary accounts and designated subfunds and report to the legislative auditor's office after fiscal year 1992 the specific plans for spending the accounts, the monthly or daily account balances, and whether the accounts have adequate amounts of revenue and fund balances and the plans to reduce or add monies to the accounts.

Section ~~14~~ *12.* **Totals not appropriations.** The totals shown in [this act] are for informational purposes only and are not appropriations.

Section 13. Fund balance transfers and revenue estimate increases. The legislative auditor shall transfer to the general fund from state agency audit fees $22,159 in fiscal 1992. The legislative auditor shall transfer to the general fund from special audit reimbursements $10,200 in fiscal 1993. The legislative auditor shall work with agencies to ensure that $33,140 of bond assessment fees is deposited in the general fund in fiscal 1993.

The law library program in the judiciary is directed to increase fees for automated legal data base and telefax services. The program must deposit to the general fund $11,000 in fiscal 1992 and $26,000 in fiscal 1993 from such fee revenue increases.

The governor's office shall transfer to the general fund from the ARCO Clark Fork state special revenue account $28,000 in fiscal 1992. The governor is directed to sell the governor's airplane for an amount sufficient to deposit approximately $575,000 in the general fund in fiscal 1992 after selling costs.

The secretary of state is directed to raise annual corporation report fees by an amount sufficient to deposit an additional $150,000 in the general fund beginning in fiscal 1993.

The department of justice shall transfer to the general fund from the driver improvement fees state special revenue account $2,700 in fiscal 1993. The department of justice shall transfer to the general fund from the criminal lab state special revenue account $21,700 in fiscal 1993.

The department of administration shall transfer to the general fund from photocopy pool proprietary funds $46,000 each year of the biennium. The department of administration shall transfer to the general fund from computer services and telecommunications proprietary funds $100,000 in fiscal 1992.

The public employees' retirement division shall transfer to the general fund from social security contributions and interest earnings $120,547 in fiscal 1992 and $24,000 in fiscal 1993.

The department of military affairs shall transfer to the general fund from federal national guard funds $183,431 over the biennium. The department of military affairs shall transfer to the general fund from federal contract reimbursements $40,000 over the biennium.

The department of social and rehabilitation services shall transfer to the general fund from the child support enforcement account all cash balance remaining at the end of fiscal 1992. Any cash balance in the account in excess of $500,000 at the end of fiscal 1993 must be deposited in the general fund. Upon final determination of all general fund money in the social and rehabilitation services department's unreconciled special revenue fund balance (in the approximate total amount of $2,530,153), any funds remaining in the special revenue fund to which the state is entitled must be deposited in the general fund.

There must be retained in the local impact account, established under 90-6-202, for the purpose of reverting to the state special revenue account for school equalization aid to public schools an amount not less than $500,000 in fiscal 1992 and $1,635,363 in fiscal 1993.

The department of corrections and human services shall transfer to the general fund from additional estimated insurance, medicaid, and medicare reimbursements $999,162 in fiscal 1992 and $792,870 in fiscal 1993. The department of corrections and human services shall transfer to the general fund from the additional fiscal 1990 cost settlement $1,050,012 in fiscal 1992. The department of corrections and human services shall transfer to the general fund $513,454 from estimated charges for court-ordered evaluations in fiscal 1993.

Section 14. Montana university system vacancy. The Montana university system, with the exception of the office of the commissioner of higher education, is excluded from the vacant position provisions in [section 7].

Section 15. Effective date. [This act] is effective ~~July 1, 1991~~ *on passage and approval.*

Section 16. Appropriations. The following money is appropriated for the respective fiscal years:

	Fiscal 1992						Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	
					A. GENERAL GOVERNMENT AND HIGHWAYS							
LEGISLATIVE AUDITOR (1101)												
1. Audit and Examination Program (01)												
[illegible]	1,108,855				[illegible]	[illegible]	1,104,805				[illegible]	
1,075,633					2,184,488	1,146,687					2,251,492	
a. Additional Audit Staff (Line Item)												
	117,631				117,631		117,376				117,376	
b. Legislative Automation Plan (Line Item)												
6,401	6,151				12,552	12,706	12,208				24,914	
c. Adjusted Cost Estimates (Line Item)												
12,476	11,[illegible]				24,463	4,040	3,883				7,923	
d. Sunrise Application Evaluations (Line Item)												
							5,000				5,000	
e. SB 264 — Actuarial Evaluation (Line Item)												
	20,[illegible]				20,000							
f. Audits of School-Related Organizations (Line Item)												
	4,000				4,000							
g. Privatization Alternatives — Additional Audit Staff (Line Item)												
24,837					24,837	24,778					24,778	
h. New Audit Work — Additional Audit Staff (Line Item)												
24,837					24,837	24,778					24,778	
i. State Compensation Mutual Insurance Fund (Line Item)												
	24,837				24,837		24,778				24,778	
2. Budget Reduction (Line Item)												
[illegible]					5,668	5,637					5,637	
Total												
[illegible]	1,[illegible]				[illegible]	[illegible]	1,268,050				[illegible]	
1,118,[illegible]					2,441,977	1,207,352					2,475,402	
LEGISLATIVE FISCAL ANALYST (1102)												
1. Analysis and Review (01)												
[illegible]					[illegible]	[illegible]					[illegible]	
781,974					781,974	810,965					810,965	
a. Legislative Contingencies (Line Item)												
[illegible]					[illegible]							

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	18,700					*18,700*						
b.	Legislative Requests (Line Item)											
	~~20,000~~					~~20,000~~						
	18,700					*18,700*						
2.	Budget Reduction (Line Item)											
	4,221					4,221	4,260					4,260
Total												
	~~804,517~~					~~804,517~~	~~812,861~~					~~812,861~~
	815,153					*815,153*	*826,705*					*826,705*

Items 1a and 1b are biennial appropriations.

LEGISLATIVE COUNCIL (1104)

1.	Interim Studies and Conferences (05)											
	~~456,497~~	12,000				~~481,497~~						
	444,046					*456,046*						
2.	Reimbursable Activities Program (07)											
		593,470				593,470		251,120				251,120
3.	Legislative Council Operations (10)											
	~~1,442,917~~	458,726				~~1,901,643~~	~~1,876,280~~	254,363				~~2,130,643~~
	1,300,694					*1,759,420*	*1,834,120*					*2,088,483*
a.	1991 Base Pay Adjustment (Line Item)											
	34,161					34,161	~~30,143~~					~~30,143~~
							5,000					*5,000*
b.	One Added FTE (Line Item)											
	23,865					23,865	~~27,179~~					~~27,179~~
							0					*0*
c.	Reapportionment Technical Support (Line Item)											
	~~130,486~~					~~130,486~~	11,213					11,213
	103,486					*103,486*						
d.	Legislative Computer Network (Line Item)											
	~~94,530~~					~~94,530~~	~~84,166~~					~~84,166~~
	69,530					*69,530*	*70,166*					*70,166*
4.	Budget Reduction (Line Item)											
	10,918					10,918	9,852					9,852

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total	~~2,693,449~~ 1,964,864	1,064,196				~~3,756,644~~ 3,029,060	~~2,019,265~~ 1,910,647	505,483				~~2,524,748~~ 2,416,130

Item 1 is a biennial appropriation. Individual activities are budgeted as follows:

Joint Interim Committees	$ 82,470
Statewide Issues	25,000
Districting and Apportionment Commission	43,000
Revenue Oversight Committee	37,983
Administrative Code Committee	14,048
Select Committee on Indian Affairs	7,200
Commission on Uniform State Laws	30,000
National Conference of State Legislatures	189,706
Northwest Economic Region Conference	20,000
Regional Conferences	32,000
State Aircraft Study	*12,000*

Expenditure of funds for item 3d is contingent on approval by the joint legislative administration committee.

The legislative council may allocate money appropriated in item 1 among the individual activities listed above in order to complete work assigned by the legislature.

~~Contingent on passage and approval of House Joint Resolution No. 50, a~~ *A* biennial appropriation not to exceed $30,000 from pension trust funds is made to the legislative council for the purpose of conducting an interim study on retirement systems. Of the total appropriation, 12.5% must be made from the teachers' retirement pension fund. The remaining 87.5% must be made from the various pension trust funds administered by the public employees' retirement board in proportion to the membership of each system.

The revenue oversight committee may use part of the appropriation provided in item 1 for the support of the activities of the coal tax oversight subcommittee.

Item 1 includes $12,000 for an interim study of state-owned aircraft to determine the most economical method of managing the aircraft. The committee on committees of the senate and the speaker of the house of representatives shall, respectively, appoint four senators and four representatives, two from each party, to serve on the aircraft study interim committee.

The unobligated portions of the appropriations in Chapter 1, Special Laws of January 1992, are on March 1, 1992, reappropriated to the legislative council and may be spent for an interim study upon unanimous agreement of the president of the senate, senate minority leader, speaker of the house, and house minority leader. The leaders may determine the membership and scope of the interim committees.

ENVIRONMENTAL QUALITY COUNCIL (1111)

1.	Environmental Quality Program (01)											
	~~221,000~~ 263,125	1,058				~~222,058~~ 264,183	~~240,660~~ 261,465					~~240,660~~ 261,465

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Additional Staff (Line Item)												
	15,800					15,800	15,800					15,800
2. Water Policy Committee (02)												
	~~25,451~~					~~25,451~~						
	25,393					25,393						
3. Budget Reduction (Line Item)												
	1,410					1,410	1,390					1,390
Total												
	~~295,431~~	26,451				~~321,882~~	~~251,275~~					~~251,275~~
	277,515					303,966	275,875					275,875

Item 2 is a biennial appropriation.

CONSUMER COUNSEL (1112)

1. Administration Program (01)												
	805,775					805,775		828,517				828,517
a. Contract Services (Line Item)												
	100,000					100,000		100,000				100,000
b. Increased Travel (Line Item)												
	6,607					6,607		6,591				6,591
Total												
	912,382					912,382		935,108				935,108

Item 1a is for expert witness fees for unanticipated cases.

JUDICIARY (2110)

1. Supreme Court Operations (01)												
	~~1,458,803~~					~~1,458,803~~	~~1,320,914~~					~~1,320,914~~
	1,305,273					1,305,273	1,302,950					1,302,950
a. Audit (Line Item)												
	15,626					15,626						
b. Court Automation (HB 320) (Line Item)												
	101,646					101,646	101,647					101,647
c. Law Clerk Parity (Line Item)												
	13,767					13,767	13,749					13,749
d. Clerk of Court Training (Line Item)												
	4,000					4,000	4,000					4,000

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
e. SB 228 — Judicial Salary Increase (Line Item)	25,105					25,105	56,203					56,203
2. Boards and Commissions (02)	~~243,394~~ 230,936					~~243,394~~ 230,936	~~243,521~~ 230,921					~~243,521~~ 230,921
a. Judicial Standards (Line Item)	2,445					2,445	2,445					2,445
3. Law Library (03)	~~561,730~~ 524,709					~~561,730~~ 524,709	~~561,681~~ 538,985					~~561,681~~ 538,985
a. Automated Legal Data Bases (Line Item)	192,050					192,050	202,773					202,773
b. Law Book Inflation (Line Item)	10,556					10,556	9,265					9,265
4. District Court Operations (04)	2,534,319					2,534,319	2,527,692					2,527,692
a. SB 228 — Judicial Salary Increase (Line Item)	125,348					125,348	289,212					289,212
b. 21st Judicial District Salary, Training, Travel (Line Item)							32,770					32,770
c. SB 228 — Judicial Salary Increase (Line Item)							4,166					4,166
5. Water Courts Supervision (05)	~~484,161~~ 459,161					~~484,161~~ 459,161		475,084				475,084
a. Audit (Line Item)	1,736					1,736						
b. SB 228 — Judicial Salary Increase (Line Item)	3,440					3,440		8,004				8,004
6. Clerk of Court (05)	~~168,496~~ 161,175					~~168,496~~ 161,175	~~167,742~~ 160,961					~~167,742~~ 160,961
a. Salary Increase — Deputy Clerk of Supreme Court (Line Item)	3,323					3,323	3,323					3,323
7. District Court Criminal Reimbursement Program (07)	2,682,579					2,682,579	~~3,000,000~~ 3,062,573					~~3,000,000~~ 3,062,573

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Audit (Line Item)												
	1,848					1,848						
8. Budget Reduction (Line Item)												
	~~25,854~~					~~25,854~~	~~25,781~~					~~25,781~~
	39,629					39,629	52,060					52,060
Total												
	~~8,380,765~~	~~474,337~~				~~8,503,102~~	~~8,440,037~~	483,088				~~8,981,125~~
	7,895,276	464,337				8,359,613	8,491,575					8,974,663

Except for $16,000 for law library use, expenditures in item 3a are limited to the amount of revenue collected from reimbursable automated legal data base usage by other entities.

~~Items 1c, 4a, and 5b are appropriated if Senate Bill No. 228 is passed and approved.~~

Item 4b is contingent on passage and approval of House Bill No. 934 and item 4c is contingent on passage and approval of both House Bill No. 934 and Senate Bill No. 228.

If revenue deposited to the general fund under the provisions of 61-3-509 is less than the appropriation for district court reimbursement, the supreme court administrator shall reduce the reimbursement to an amount equal to the revenue collected.

GOVERNOR'S OFFICE (3101)

1. Executive Office Program (01)												
	~~1,016,303~~	~~38,221~~	1			~~1,054,525~~	~~1,017,335~~	~~38,186~~				~~1,055,521~~
	982,796	83,221				1,066,018	978,859	83,186				1,062,045
a. Audit (Line Item)												
	18,152					18,152						
2. Mansion Maintenance Program (02)												
	~~59,098~~					~~59,098~~	~~59,851~~					~~59,851~~
	53,922					53,922	54,639					54,639
3. Air Transportation Program (03)												
	~~317,390~~					~~317,390~~	~~159,819~~					~~159,819~~
	463,655	10,000				473,655	126,271	10,000				136,271
4. Office of Budget and Program Planning (04)												
	~~798,110~~					~~798,110~~	~~829,424~~					~~829,424~~
	771,856					771,856	770,706					770,706
a. Audit (Line Item)												
	17,362					17,362						
~~b. NASBO 1992 National Meeting (Line Item)~~												
	~~5,000~~					~~5,000~~	~~5,000~~					~~5,000~~
	0					0	0					0

	Fiscal 1992					Fiscal 1993						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
e *b.* Equipment Replacement (Line Item)												
	4,000					4,000						
c. Special Session (Line Item)												
	8,111					*8,111*						
5. Northwest Regional Power Act (09)												
			403,124			403,124			402,853			402,853
6. Lieutenant Governor (12)												
	~~170,798~~					~~170,798~~	~~170,644~~					~~170,644~~
	159,367	6,000				165,367	150,186	15,000				165,186
7. Citizens' Advocate Office (16)												
	~~68,452~~					~~68,452~~	~~69,136~~					~~69,136~~
	53,030		15,000			68,030	53,715		15,000			68,715
8. Mental Disabilities Board of Visitors (20)												
	~~134,685~~		47,037			~~181,722~~	~~141,741~~		47,037			~~188,778~~
	140,286					187,323	141,554					188,591
9. Budget Reduction (Line Item)												
	~~14,699~~					~~14,699~~	~~17,236~~					~~17,236~~
	72,321					72,321	54,007					54,007
Total												
	~~2,700,141~~	~~99,221~~	~~465,162~~			~~3,264,524~~	~~2,443,856~~	~~78,186~~	~~464,890~~			~~2,986,932~~
	2,600,216	99,221	465,162			3,164,599	2,221,923	108,186	464,890			2,794,999

Public funds may not be used to support the governor's radio newsline, a telephone service providing recorded news briefs.

The citizens' advocate office may not be eliminated.

The governor's aircraft is to be sold, with the proceeds from the sale to be deposited in the general fund. The appropriation in item 3 includes $175,000 to purchase a new aircraft.

SECRETARY OF STATES OFFICE (3201)

1. Records Management Program (01)												
	~~876,266~~					~~876,266~~	~~876,266~~					~~876,266~~
	948,712					948,712	935,751					935,751
a. Audit (Line Item)												
	11,416					11,416						
b. ~~Printing Costs (Line Item)~~												
	~~14,994~~					~~14,994~~	~~14,994~~					~~14,994~~
	0					0	0					0

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
~~e. Microfilming Project (Line Item)~~												
	~~25,000~~					~~25,000~~	~~25,000~~					~~25,000~~
	0					0	0					0
~~d. Fireproof Document Storage (Line Item)~~												
	~~45,000~~					~~45,000~~						
	0					0						
~~e. SB 384 — Primary Election for 2 Mill Levy (Line Item)~~												
	~~52,500~~					~~52,500~~						
2. Administrative Code Program (03)												
		174,064				174,064		175,298				175,298
a. Audit (Line Item)												
		2,368				2,368						
3. State Agency Record Management (05)												
			331,332			331,332				332,856		332,856
4. Budget Reduction (Line Item)												
	4,845					4,845	4,751					4,751
Total												
	~~1,027,283~~	176,432		331,332		~~1,535,047~~	~~956,000~~	175,298		332,856		~~1,464,154~~
	957,283					1,465,047	931,000					1,439,154

~~If House Bill No. 897 is not enacted, the appropriation in item 3 is transferred to the department of administration.~~

COMMISSIONER OF POLITICAL PRACTICES (3202)

1. Administration (01)												
	111,249					111,249	113,562					113,562
a. Audit (Line Item)												
	2,526					2,526						
b. Part-Time Assistant (Line Item)												
	10,406					10,406						
c. Staff Termination Pay (Line Item)												
	1,150					1,150	550					550
d. Legal Fees and Court Costs (Line Item)												
	~~45,000~~					~~45,000~~						
	27,844					27,844						
2. Budget Reduction (Line Item)												
	627					627	591					591

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total												
	[illegible]					[illegible]	113,521					113,521
	152,548					152,548						

Items 1b and 1d are biennial appropriations.

The commissioner of political practices may use funds from the biennial appropriation identified in item 1b for a 0.5 FTE part-time assistant to meet the biennial budget reduction of $17,156.

The commissioner of political practices is to charge a fee for the Campaign Finance Report book that is sufficient to recover the costs of printing and distribution of the book. Public libraries are exempt from the charge for the book. The proceeds from the sale of the book, as well as the fees collected for reimbursement of copier charges, must be deposited in the general fund.

STATE AUDITOR'S OFFICE (3401)

1.	Central Management (01)					
	[illegible]		[illegible]	[illegible]		[illegible]
	236,418		236,418	226,850		226,850
	a. Audit (Line Item)					
	5,048		5,048			
	b. Computer System Replacement (Line Item)					
	97,930		97,930	[illegible]		[illegible]
				41,656		41,656
2.	State Payroll (02)					
	[illegible] 194,227		[illegible]	[illegible]	209,547	[illegible]
	195,109		389,336	176,690		386,230
	a. Audit (Line Item)					
	33,461		33,461			
	b. Payroll System Data Processing — ISD (Line Item)					
	160,218		160,218		144,394	144,394
3.	Insurance Program (03)					
	[illegible]		[illegible]	[illegible]		[illegible]
	917,308		917,308	868,87[illegible]	41,8[illegible]	91[illegible]
	a. Audit (Line Item)					
	5,05[illegible]		5,0[illegible]			
	b. Medicare Compliance Specialist (Line Item)					
	29,334		29,334	27,334		[illegible]
	c. Office Equipment (Line Item)					
	[illegible]		[illegible]	1,49[illegible]		[illegible]
	998		998			
4.	Securities Program (04)					
	[illegible]		[illegible]	[illegible]		[illegible]

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	~~284,001~~					~~284,001~~	~~281,587~~					~~281,587~~
	284,001					284,001	281,587					281,587
a.	Audit (Line Item)											
	5,050					5,050						
b.	Office Equipment (Line Item)											
	~~4,100~~					~~4,100~~						
	140					140						
5.	Fiscal Control and Management Program (10)											
	~~448,753~~	146,999		149,562		~~744,954~~	~~308,458~~	146,832		136,588		~~591,878~~
	303,591					600,152	300,050					583,470
a.	Audit (Line Item)											
	33,467					33,467						
b.	Warrant System Data Processing — ISD (Line Item)											
	99,268					99,268	89,464					89,464
6.	Budget Reduction (Line Item)											
	~~11,779~~					~~11,779~~	~~10,750~~					~~10,750~~
	63,036					63,036	29,932					29,932
Total												
	~~2,303,414~~	501,444		149,562		~~2,954,420~~	~~2,141,084~~	~~500,766~~		136,588		~~2,778,438~~
	2,183,157					2,834,163	1,984,061	542,616				2,663,265

The appropriation in item 1b is for a computer system. The agency shall follow the system design recommendations approved by the information services division of the department of administration.

The state auditor shall implement a fee system for the purpose of recovering the operational cost of issuing warrants from all user agencies on an equitable basis. It is intended that, beginning in fiscal 1994, the general fund must be reimbursed for services provided to user agencies that are not funded entirely by the general fund. Revenues collected as reimbursement fees from user agencies for costs of issuing state warrants must be deposited in a state special revenue account. The state auditor shall submit the cost recovery plan and the 1995 biennium fee schedule by agency to the office of budget and program planning and to the legislative fiscal analyst by June 1, 1992.

CRIME CONTROL DIVISION (4107)

1.	Justice System Support Service (01)											
	~~442,801~~	58,665	166,462			~~667,928~~	~~442,958~~	58,665	156,462			~~658,085~~
	402,254					627,381	429,558					644,685
a.	Audit (Line Item)											
	5,176					5,176						
b.	Crime Victims' Compensation Pass-Through Grants (Line Item)											
		379,920				379,920		379,920				379,920
c.	Juvenile Justice Pass-Through Grants (Line Item)											
			221,500			221,500			221,500			221,500
d.	Victims' Assistance Pass-Through Grants (Line Item)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			224,000			224,000			224,000			224,000
e.	Drug Education Pass-Through Grants (Line Item)											
			427,000			427,000			427,000			427,000
f.	Drug Enforcement Pass-Through Grants (Line Item)											
			1,240,000			1,240,000			1,250,000			1,250,000
g.	Narcotics Control — Grant Administration (Line Item)											
	27,000		18,101			45,101	~~54,000~~		~~1,102~~			55,102
							24,427		30,675			
h.	Drug Enforcement Pass-Through Grants (Modified) (Line Item)											
			904,000			904,000			921,000			921,000
i.	Juvenile Justice — Support Services (Line Item)											
	7,500					7,500	7,500					7,500
j.	Victims' Assistance — Grant Administration (Line Item)											
		29,116				29,116		25,985				25,985
k.	Victims' Assistance Pass-Through Grants (Modified) (Line Item)											
			109,000			109,000			109,000			109,000
l.	Drug Education — Grant Administration (Line Item)											
			11,720			11,720			11,720			11,720
m.	Drug Education Pass-Through Grants (Modified) (Line Item)											
			115,218			115,218			115,218			115,218
n.	SB 321 — Victim of DUI Offenders (Line Item)											
		73,038				73,038		72,538				72,538
o.	SB 370 — D.A.R.E. Program (Line Item)											
		16,200				16,200		16,200				16,200
p.	SB 379 — Probation and Parole Officer Standards (Line Item)											
	6,579					6,579	100					100
2.	Budget Reduction (Line Item)											
	2,412					2,412	2,522					2,522
Total												
	~~466,244~~	556,939	3,437,001			~~4,460,184~~	~~502,040~~	553,308	~~3,441,080~~			~~4,496,148~~
	446,097					4,440,037	459,061		3,466,575			4,478,946

Items 1b through 1f, 1h, 1k, and 1m are biennial appropriations.

~~Item 1o is contingent on passage and approval of Senate Bill No. 370.~~

~~Item 1p is contingent on passage and approval of Senate Bill No. 379.~~

All remaining federal pass-through grant appropriation authority for the 1991 biennium is authorized to continue into fiscal 1992 and fiscal 1993.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
The board of crime control shall charge tuition and fees sufficient to reimburse the general fund for costs associated with the juvenile justice training program and for technical assistance provided to local law enforcement agencies. The tuition and fees collected must be deposited in the general fund.												
HIGHWAY TRAFFIC SAFETY (4108)												
1. Highway Traffic Safety Division (36)												
	~~200,000~~	74,087	904,614			~~1,178,701~~	~~200,000~~	74,686	903,504			~~1,178,190~~
	184,080					*1,162,781*	*184,080*					*1,162,270*
a. Audit (Line Item)												
		1,013	1,013			2,026						
2. Budget Reduction (Line Item)												
	1,000					1,000	1,000					1,000
Total												
	~~199,000~~	75,100	905,627			~~3,179,727~~	~~199,000~~	74,686	903,504			~~1,177,190~~
	183,080					*1,163,807*	*183,080*					*1,161,270*
DEPARTMENT OF JUSTICE (4110)												
1. Legal Services Division (01)												
	845,681	311,771	1			1,157,451	938,193	212,972				1,151,165
a. Case-Related Travel (Line Item)												
	9,500					9,500	9,500					9,500
b. Legal Fees and Expert Witnesses (Line Item)												
	100,000					100,000						
c. Attorney-Indian Legal Jurisdiction (Line Item)												
	47,837					47,837	43,239					43,239
d. Litigation Costs (Line Item)												
	400,000					400,000						
2. Agency Legal Services (06)												
				571,894		571,894				571,855		571,855
3. Gambling Control Division (07)												
		1,387,007				1,387,007		1,386,606				1,386,606
a. Gambling Control Expansion (Line Item)												
		305,785				305,785		207,001				207,001
4. Motor Vehicle Division (12)												
	~~4,619,289~~	124,254	48,538			~~4,792,081~~	4,641,381	85,419	48,534			4,775,334
	4,331,014					*4,503,806*						
a. HB 646 — Additional Handicap Parking Display Cards (Line Item)												
	15,000					*15,000*	2,500					2,500

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b. HB 568 — Driver's License Express Stations (Line Item)												
	708,000					708,000	710,000					710,000
5. Highway Patrol Division (13)												
		10,800,052	486,937			11,286,989		10,658,603	485,011			11,143,614
a. Additional Patrol Officers and Dispatchers (Line Item)												
		302,290				302,290		211,109				211,109
b. Handheld Radios (Line Item)												
		51,000				51,000						
6. Law Enforcement Services Division (18)												
	902,303	348,539	21,196			1,272,038	881,303	327,085	31,044			1,239,432
a. Special Investigation — West (Line Item)												
	~~121,497~~		336,898			~~458,395~~	~~458,199~~					458,199
	112,942					449,840	114,550		343,649			
b. Fire Prevention Grant (Line Item)												
			9,976			9,976						
c. Identification Bureau Federal Grant (Line Item)												
			88,636			88,636			88,643			88,643
d. HB 809 — Fire Marshal Bureau Expansion (Line Item)												
	~~150,667~~					~~150,667~~	~~163,000~~					~~163,000~~
	69,000					69,000	126,624					126,624
7. County Attorney Payroll (19)												
	1,014,148					1,014,148	1,015,435					1,015,435
a. HB 155 — County Attorney Salary Increase (Line Item)												
	136,000					136,000	333,000					333,000
8. Law Enforcement Academy Division (22)												
	607,208					607,208	606,858					606,858
9. Central Services Division (28)												
	167,811	[illegible]4		9,334		373,355	169,654	196,952		9,401		376,007
a. Audit (Line Item)												
	16,628	19,440		925		36,993						
10. Data Processing Division (29)												
	651,393	240,969				892,362	645,373	246,847				892,220
a. Data Processing Air Conditioner (Line Item)												
	45,000					45,000	4,400					4,400
11. Extradition and Transportation of Prisoners (30)												
	~~193,440~~					~~193,440~~	~~193,440~~					~~193,440~~
	143,648					143,648	143,640					143,640

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
12.	Forensic Science Division (32)											
	930,630	243,667				1,174,297	864,061	226,237				1,090,298
13.	Budget Reduction (Line Item)											
	~~55,434~~					~~55,434~~	~~54,015~~					~~54,015~~
	304,762					304,762	381,749					381,749
Total												
	~~11,635,644~~	14,330,972	992,180	582,153		~~27,540,951~~	~~11,625,721~~	13,758,831	~~653,232~~	581,256		~~26,619,040~~
	10,948,993					26,854,298	10,867,962		996,881			26,204,930

Items 1b and 1d are biennial appropriations.

The legislature recognizes that costs associated with the Crow coal case, water rights, and tribal litigation may exceed the appropriation in item 1, and in that event, the department will need to request a supplemental appropriation from the 1993 legislature to adequately represent the state.

~~Item 4b is contingent on passage and approval of House Bill No. 568.~~

If federal ~~or other~~ funds ~~can be~~ *are not* obtained for item 6a in fiscal 1993, ~~the federal or other funds must replace~~ the general fund appropriation ~~in item 6a and the general fund appropriation~~, *as amended by [this act]*, must be ~~reduced by the amount of~~ *increased and the* federal ~~or other funds received. The total appropriation contained in item 6a may not be increased~~ *appropriation, as amended by [this act], must be decreased by the same amount.*

~~Item 6d is contingent on passage and approval of House Bill No. 800.~~

~~Item 7a is contingent on passage and approval of House Bill No. 155.~~ In the event that a pay plan bill is passed and approved that includes salary increases for county attorneys, item 7a must be reduced by the amount included in the pay plan bill for county attorney salaries.

DEPARTMENT OF ~~HIGHWAYS~~ *TRANSPORTATION* (5401)

1.	General Operations Program (01)											
		6,534,444	1,988,234			8,522,678		6,311,881	1,986,661			8,298,542
	a.	Audit (Line Item)										
			71,028			71,028						
	b.	Road Reporting System (Line Item)										
			12,750			12,750		13,630				13,630
	c.	Map Digitizing (Line Item)										
			120,000			120,000		120,000				120,000
	d.	Kalispell Bypass Study (Line Item)										
				150,000		150,000						
	e.	SB 164 — Department of Transportation Organization Costs (Line Item)										
			105,128			105,128		30,061				30,061
2.	Construction Program (02)											
		63,254,325	142,709,034			205,963,359		66,640,533	144,241,767			210,882,300
	a.	City Park Rest Areas (Line Item)										

	Fiscal 1992					Fiscal 1993						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		200,000				200,000		200,000				200,000
3.	Maintenance Program (03)											
		46,944,095				46,944,095		46,728,864				46,728,864
	a. Monitoring/Upgrading Underground Fuel Tanks (Line Item)											
		1,109,800				1,109,800		1,109,800				1,109,800
4.	State Motor Pool (07)											
				748,341		748,341				594,076		594,076
5.	Equipment Program (08)											
				13,390,277		13,390,277				13,249,710		13,249,710
6.	Interfund Transfers Program (11)											
		14,208,404				14,208,404		17,149,771				17,149,771
7.	Stores Inventory (12)											
		15,460,726				15,460,726		14,901,886				14,901,886
8.	Gross Vehicle Weight Division (22)											
		3,540,044				3,540,044		3,637,061				3,637,061
	a. Automated Weigh Stations (Line Item)											
		243,820				243,820		68,700				68,700
	b. Gross Vehicle Weight Officer Training (Line Item)											
		30,165				30,165		25,165				25,165
	Total											
		151,834,729	144,847,268	14,138,618		310,820,615		156,937,352	146,228,428	13,843,786		317,009,566

The department is directed to submit to the 1993 legislature a construction work plan for the 1995 biennium that is detailed by year and project. This work plan must specify, by road system or project area, proposed projects on which $1 million or more would be spent during the 1995 biennium and an aggregate cost for projects with anticipated expenditures of less than $1 million. Costs must be detailed by year and project.

The department may adjust appropriations and FTE in the construction, interfund transfers, and maintenance programs between fiscal years to reflect actual expenditures related to the construction work plan and maintenance activities.

The department may adjust appropriations in the construction program between fund types, provided that the adjustment does not exceed 10% of the total appropriation established by the legislature for the construction program. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning, and all fund transfers of over $1 million in any 30 day period must be communicated to the legislative finance committee in a written report.

The department is directed to conduct a cost responsibility study to determine the appropriate ratio of highway user fees based on road wear caused by each type of user. The department shall provide a report of study results and a recommended fee structure to the legislative finance committee by June 1, 1992.

State highway commission commissioners cannot be flown to or from highway commission meetings in state-owned aircraft unless documented cost savings over other transportation options can be achieved.

DEPARTMENT OF REVENUE (5801)

1.	Director's Office (01)											
	[illegible]		168,644	428,424		[illegible]	[illegible]		168,425	428,716		[illegible]

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	733,247					1,330,315	741,509					1,198,650
a.	Audit (Line Item)											
	32,474	1,563		89,079		123,116						
2.	Centralized Services Division (02)											
	~~738,656~~	8,607				~~747,263~~	~~725,416~~	8,589				~~734,005~~
	706,656					715,263	700,416					709,005
3.	Data Processing Division (03)											
	~~918,323~~	~~43,525~~		450,445		~~1,464,293~~	~~985,910~~	43,428		451,108		~~1,480,446~~
	880,323	53,525				1,384,293	875,910					1,370,446
a.	Workers' Compensation Payroll Tax (Line Item)											
		39,887				39,887		34,165				34,165
4.	Liquor Division (05)											
a.	Liquor Licensing Bureau (Line Item)											
				249,743		249,743				249,656		249,656
5.	Income Tax (06)											
	~~3,348,123~~	286,506				~~3,634,629~~	~~3,299,294~~	293,880				~~3,593,164~~
	3,315,923					3,602,429	3,162,629					3,456,509
a.	Workers' Compensation Payroll Tax (Line Item)											
		91,992				91,992		75,074				75,074
b.	Accounts Receivable (Line Item)											
	91,931					91,931	78,141					78,141
c.	Equipment Replacement (Line Item)											
	66,389					66,389	27,614					27,614
d.	Computer Processing Costs (Line Item)											
	98,384					98,384	72,417					72,417
e.	Revenue Collection (Line Item)											
	91,713					91,713	78,723					78,723
f.	*Revenue Enhancement*											
	39,667					39,667	126,761					126,761
6.	Corporation Tax (07)											
	~~1,122,194~~	63,186	129,145			~~1,314,525~~	~~1,124,159~~	63,193	129,156			~~1,316,508~~
	1,224,148					1,416,479	1,238,282					1,430,631
7.	Property Tax Division (08)											
a.	Elected and Deputy Assessors											
	1,649,662					1,649,662	1,651,923					1,651,923
b.	Appraisers and Other Assessors											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	6,558,578					6,558,578	6,557,512					6,557,512
c.	Property Assessment Program											
	2,956,963					2,956,963	2,956,882					2,956,882
d.	Cyclical Reappraisal Costs (Line Item)											
	22,000					22,000	249,000					249,000
e.	Computer-Assisted Mass Appraisal System (CAMAS) Costs (Line Item)											
	333,281					333,281	276,281					276,281
8.	Motor Fuel Tax (10)											
		620,119				620,119		617,287				617,287
9.	Budget Reduction (Line Item)											
	94,138					94,138	94,195					94,195
Total												
	~~18,045,000~~	~~1,165,385~~	297,789	1,217,691		~~21,406,745~~	~~18,614,410~~	1,135,616	297,581	1,129,480		~~21,177,087~~
	18,707,201	1,165,385				21,388,066	18,699,805					21,262,482

Liquor division proprietary funds necessary to maintain adequate inventories of liquor and wine and to operate the state liquor operation are appropriated. During the 1993 biennium, the division shall attempt to return at least 10% of net sales. Net sales are gross sales less discounts and all taxes collected. The division shall limit operational expenses of the liquor merchandising system to not more than 15% of the net sales. Operational expenses may not include product costs, freight charges, expenses allocable to other divisions, or licensing bureau expenses.

An agent operating a state agency liquor store has the preference right to renew the agent's agency agreement by accepting the terms of the request for bids as those terms existed before January 1, 1991, and by meeting the highest bid made by any other applicant. Those agency agreements that contain renewal options must be honored according to the terms of the agency contract and request for bids in existence prior to January 1, 1991.

Funds appropriated in item 7e may be used only for consulting contracts to support CAMAS or to support appraisers' use of CAMAS, for debt service costs to fund equipment acquisition, and for computer maintenance contracts.

DEPARTMENT OF ADMINISTRATION (6101)

1.	Director's Office (01)											
	~~227,454~~			61,572		~~288,026~~	229,139			60,818		289,957
	230,097					291,669						
2.	Accounting Program (03)											
	~~1,000,966~~			29,350		~~1,030,316~~	~~1,005,181~~			29,297		~~1,034,478~~
	998,836					1,028,186	989,477					1,018,774
a.	Audit (Line Item)											
	18,771					18,771						
3.	Architecture and Engineering Program (04)											
	672,098				664,006	1,316,104		682,019			672,552	1,354,571
a.	Audit (Line Item)											
	1,370					1,370						

	Fiscal 1992					Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b. Capitol Restoration Commission (Line Item)											
	11,634				11,634		11,634				11,634
c. Expanded Long-Range Building Plan (Line Item)											
	51,242			51,242	102,484		53,670			53,670	107,140
4. Procurement and Printing Division (06)											
	~~420,824~~		6,111,843		~~6,532,667~~	~~421,166~~			6,380,662		~~6,801,828~~
	408,724				6,520,567	412,625					6,793,287
a. Audit (Line Item)											
			19,788		19,788						
b. Pass-Through Printing (Line Item)											
			3,412,515		3,412,515				3,543,765		3,543,765
c. Federal Surplus Property (Line Item)											
			87,000		87,000				87,000		87,000
5. Information Services Division (07)											
a. Audit (Line Item)											
			58,140		58,140						
b. Contracted Systems Development (Line Item)											
			200,000		200,000						
c. Computer Services											
			7,982,061		7,982,061				8,193,261		8,193,261
d. Telecommunications											
			8,385,973		8,385,973				7,924,699		7,924,699
e. Emergency 911											
			75,567		75,567				76,712		76,712
f. Armory Computer Upgrade (Line Item)											
			75,000		75,000				75,000		75,000
g. Public Safety Communication (Line Item)											
			82,000		82,000				57,000		57,000
h. ISD — Growth in Workload (Line Item)											
			500,000		500,000				500,000		500,000
i. ISD — Networks (Line Item)											
			796,499		796,499				796,504		796,504
j. Mainframe Disaster Backup (Line Item)											
			179,000		179,000				144,000		144,000
k. Student Long Distance (Line Item)											
			323,768		323,768				323,771		323,771
l. Telephone System Upgrades (Line Item)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
				229,000		229,000				229,000		229,000
m.	Family Services Computer System (Line Item)											
				78,200		78,200				93,200		93,200
6.	General Services Program (08)											
	~~441,750~~			2,275,260	58,419	~~2,775,429~~	~~260,104~~			2,347,743	58,426	~~2,666,273~~
	211,750					2,545,429	220,164					2,626,333
a.	Audit (Line Item)											
				7,672		7,672						
b.	Utilities Cost (Line Item)											
	141,083			1,034,607		1,175,690	143,409			1,051,670		1,195,079
7.	Mail and Distribution Bureau (13)											
				1,639,686		1,639,686				1,642,234		1,642,234
a.	Audit (Line Item)											
				3,526		3,526						
b.	Postage Machines (Line Item)											
				6,500		6,500				6,500		6,500
c.	Expanded Mail Services (Line Item)											
				174,087		174,087				174,087		174,087
8.	State Personnel Division (23)											
	~~965,634~~			~~600,042~~		~~1,462,846~~	~~443,491~~			~~807,744~~		~~1,420,435~~
	873,414			543,037		1,416,451	869,093			548,217		1,417,310
a.	Audit (Line Item)											
				1,176		1,176						
b.	Group Insurance Benefits System (Line Item)											
				36,500		36,500				21,500		21,500
c.	State Employee Combined Campaign (Line Item)											
	10,000					10,000		10,000				10,000
d.	Professional Development Center Growth in Workload (Line Item)											
				9,112		9,112				21,180		21,180
e.	Communications for Group Insurance Requirements (Line Item)											
				8,000		8,000				8,000		8,000
f.	Genetics Program (Line Item)											
				20,252		20,252				20,252		20,252
9.	Tort Claims Division (24)											
				2,101,132		2,101,132				2,153,202		2,153,202
a.	Audit (Line Item)											
				7,036		7,036						
b.	Tort Claims — Contracts (Line Item)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
				500,000		500,000				500,000		500,000
10.	State Tax Appeal Board (37)											
	~~423,883~~					~~423,883~~	~~423,361~~					~~423,361~~
	374,783					374,783	375,073					375,073
11.	Budget Reduction (Line Item)											
	~~13,277~~					~~13,277~~	~~13,044~~					~~13,044~~
	48,934					48,934	88,156					88,156
Total												
	~~3,428,137~~	746,344		~~32,811,859~~	773,667	~~41,760,207~~	~~3,376,874~~	757,323		~~36,964,881~~	784,648	~~41,882,846~~
	3,228,524			37,054,859		41,803,394	3,150,824			37,009,274		41,702,069

~~The deletion of the personal services reduction in state special revenue is contingent on passage and approval of House Bill No. 5.~~

~~Item 3b is contingent on passage and approval of House Bill No. 500.~~

~~Item 3e is contingent on passage and approval of House Bill No. 5.~~

Item 5b is a biennial appropriation.

The governor-elect program is appropriated all necessary expenses, up to $50,000 from the general fund in fiscal 1993, to implement the provisions of 2-15-221.

~~Item 5m is contingent on passage and approval of House Bill No. 569.~~

The department shall develop and submit a cost recovery plan for each of its proprietary operations to the office of budget and program planning and the legislative fiscal analyst by August 1, 1992.

Funds remaining in the capitol land grant account of the capital projects fund, after the appropriations are met for the general services division of the department of administration and any projects provided for in ~~House Bill No. 5~~ *Chapter 774, Laws of 1991*, are appropriated to the long-range building debt service fund for the payment of principal and interest on bond issues for public buildings at the capitol for executive, legislative, and judicial purposes, as outlined in section 12 of The Enabling Act. This appropriation is for the biennium ending June 30, 1993, and is not to exceed the annual debt service required on these bonds.

The appropriation in item 6 in the other column includes $58,801 in fiscal 1992 and $58,801 in fiscal 1993 from the capital projects fund.

In item 6, the department may charge a maximum of $3.28 a square foot in fiscal 1992 and $3.34 a square foot in fiscal 1993 for office space in state-owned buildings.

Item 6b may be used only to pay utilities costs.

The department may charge a maximum overhead rate of 6% each year in item 7.

~~Item 8f is contingent on passage and approval of House Bill No. 696.~~

The department is appropriated funds to pay the deductible portion of each claim incurred and covered by a deductible insurance plan from the deductible reserve fund authorized in 2-9-202(2).

By July 15, 1992, the tort claims division shall present to the legislative finance committee proposed changes in the method or methods of determining and allocating insurance premiums to state agencies. The division shall review with the legislative finance committee the proposal and potential fiscal impacts before the rate methodology is adopted and before premiums are included in agency budget requests by the office of budget and program planning.

	Fiscal 1992					Fiscal 1993						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
In item 9b, the department is authorized to hire 0.5 clerical FTE.												
The public service commission is considering a proposal allowing large state natural gas customers to purchase their own supplies of gas directly from gas producers. Recognizing the likelihood of a changing natural gas procurement environment, the governor is authorized, if the proposal is approved by the commission, to designate a lead agency to implement a coordinated natural gas procurement program for affected state agencies and the university system.												
STATE COMPENSATION MUTUAL INSURANCE FUND (6103)												
1. State Compensation Mutual Insurance Fund (01)	25,082		121,856,189			121,881,271				128,877,379		128,877,379
a. Audit (Line Item)			83,655			83,655						
b. Claims Management Program (Line Item)			912,563			912,563				910,494		910,494
c. Audit Bureau (Line Item)			304,304			304,304				303,699		303,699
d. HB 187 — Construction Premiums (Line Item)			228,629			228,629				194,830		194,830
Total	25,082		123,385,340			123,410,422				130,286,402		130,286,402
~~Item 1d is contingent on passage and approval of House Bill No. 187.~~												
PUBLIC EMPLOYEES' RETIREMENT BOARD (6104)												
1. Public Employees' Retirement Program (35)			837,589			837,589					816,990	816,990
a. Audit (Line Item)			36,303			36,303						
b. Public Employees' Retirement Division — Rewrite Data Processing System (Line Item)			301,289			301,289					79,224	79,224
c. Program Improvements (Line Item)			50,387			50,387					56,952	56,952
Total			1,225,568			1,225,568					953,166	953,166
The amounts listed in items 1, 1a, 1b, and 1c are appropriated from the pension trust fund.												
~~Contingent on passage and approval of House Bill No. 685, the~~ The board is appropriated $3,860 from pension trust funds in fiscal 1992 and $2,360 from pension trust funds in fiscal 1993.												
~~Contingent on passage and approval of House Bill No. 711, the~~ The board is appropriated $5,000 from pension trust funds in fiscal 1992 and $5,000 from pension trust funds in fiscal 1993.												

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
~~Contingent on passage and approval of Senate Bill No. 226, the~~ *The* board is appropriated $25,000 from pension trust funds in fiscal 1992 and $5,000 from pension trust funds in fiscal 1993												
TEACHERS' RETIREMENT BOARD (6105)												
1. Teachers' Retirement Program (01)					469,647	469,647					461,422	461,422
a. Audit (Line Item)					23,676	23,676						
b. Data Processing and Service Upgrades (Line Item)					147,380	147,380					108,380	108,380
c. System Enhancements for Legislated Changes (Line Item)					25,000	25,000						
Total					665,703	665,703					569,602	569,602
The amounts listed in items 1, 1a, 1b, and 1c are appropriated from the pension trust fund.												
~~Item 1c is contingent on passage and approval of Senate Bill No. 226.~~												
DEPARTMENT OF MILITARY AFFAIRS (6701)												
1. Administration Program (01)												
	217,838					217,838	~~217,991~~					~~217,991~~
							212,991					212,991
a. Audit (Line Item)												
	5,920					5,920						
2. Army National Guard Program (12)												
	~~909,660~~	1,108,021				~~2,008,901~~	~~908,451~~		~~1,116,411~~			~~2,024,862~~
	895,780					2,003,801	855,851		1,156,411			2,012,262
a. Repair and Maintenance (Line Item)												
	~~186,000~~					~~186,000~~						
	118,375					118,375						
b. Environmental Program (Line Item)												
	9,275	41,099				50,374	9,228		40,833			50,061
3. Air National Guard Program (13)												
	180,429	1,402,315				1,582,744	182,313		1,411,460			1,593,773
a. Repair and Maintenance (Line Item)												
	14,000	42,000				56,000						
4. Disaster Coordination Response (21)												
	218,140	235,009				453,149	217,697		234,558			452,255

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Audit (Line Item)												
	4,262		4,262			8,524						
5. Emergency Management Development (24)												
			263,904			263,904			263,572			263,572
a. Audit (Line Item)												
			3,314			3,314						
b. Earthquake Program (Line Item)												
			46,187			46,187			46,190			46,190
6. Local Reimbursement — DES (29)												
			564,000			564,000			540,000			540,000
7. Veterans' Affairs Program (31)												
	468,438	9,672	35,557			513,667	468,162	9,669	35,456			513,287
a. Audit (Line Item)												
	5,918					5,918						
b. Veterans' Cemetery Construction (Line Item)												
		22,500				22,500		31,500	45,000			76,500
8. Budget Reduction (Line Item)												
	~~11,055~~					~~11,055~~	~~10,444~~					~~10,444~~
	31,834					31,834	67,732					67,732
Total												
	~~2,200,944~~	32,172	1,745,668			~~3,978,784~~	~~1,999,463~~	41,169	~~1,744,480~~			~~3,785,112~~
	2,106,541					5,884,381	1,878,510		1,773,480			5,693,159

Items 2a and 3a are biennial appropriations.

In item 3, up to two firefighter FTE may be added if the current contract is modified or becomes unnecessary.

In item 5b, the department shall direct the earthquake program to local schools to the maximum extent possible.

~~Item 7b is contingent on passage and approval of House Bill No. 723.~~

TOTAL SECTION A												
	~~[illegible]~~	~~[illegible]~~	~~[illegible]~~	~~[illegible]~~	2,604,918	~~[illegible]~~	~~[illegible]~~	~~[illegible]~~	~~[illegible]~~	~~[illegible]~~	2,107,416	~~[illegible]~~
	51,604,964	173,104,647	154,690,695	176,859,555		561,124,799	51,201,903	177,276,114	156,111,319	183,319,643		572,218,414

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
						B. HUMAN SERVICES						
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES (5301)												
1.	Director's Office (01)											
	~~130,421~~		43,874	386,783		~~567,078~~	~~133,585~~		43,844	384,008		~~561,437~~
	127,926					558,583	125,091					552,943
	a. Personnel Specialist (Line Item)											
				25,529		25,529				25,472		25,472
	b. Legal Services Charge System (Line Item)											
	~~82,837~~					~~82,837~~	~~82,837~~					~~82,837~~
	76,265					76,265	76,265					76,265
2.	Central Services (02)											
	~~515,412~~	~~825,853~~	213,254	785,266		2,398,995	~~562,668~~	~~779,045~~	211,795	786,845		2,340,353
	516,150	884,325					476,950	864,763				
	a. Audit (Line Item)											
				53,666		53,666						
	b. Laboratory Contingency (Line Item)											
		100,000				100,000						
	c. Support Staff (Line Item)											
				46,922		46,922				46,818		46,818
	d. Newborn Pku Screening (Line Item)											
		76,552				76,552		28,772				28,772
	e. Safe Drinking Water — Laboratory Certification (Line Item)											
		40,479				40,479		39,853				39,853
	f. Safe Drinking Water — Public Health Laboratory (Line Item)											
		39,847				39,847		39,306				39,306
3.	Environmental Sciences (03)											
	~~830,120~~	~~1,741,062~~	728,237	145,559		~~3,113,904~~	~~801,306~~	~~1,740,340~~	715,549	142,903		~~3,400,098~~
	822,917	1,402,369				3,099,082	814,875	1,401,616				3,074,943
	a. Air Quality (Line Item)											
		84,972	248,386			333,358		80,771	247,976			328,747
	b. Asbestos Control (Line Item)											
		92,919				92,919		92,239				92,239
	c. Natural Resources Lawsuit (Line Item)											
		4,908,049				4,908,049						
	d. Air Quality — Permits (Line Item)											
		301,338				301,338		297,979				297,979

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
e. Pay Exceptions — Environmental Specialist (Line Item)		24,128	58,799			82,927		23,715	57,825			81,540
f. HB 987 — Regulation of Public Accommodations (Line Item)		10,125				10,125		10,125				10,125
g. HB 988 — Regulation of Campgrounds, Trailer Courts, Etc. (Line Item)		15,750				15,750		15,750				15,750
h. HB 989 — Regulation of Food Establishments (Line Item)		165,000				165,000		165,000				165,000
i. HB 994 — Regulation of Swimming Pools (Line Item)		76,500				76,500		76,500				76,500
4. Solid and Hazardous Waste (04)	~~105,149~~	~~2,054,395~~	7,504,734			9,943,278	~~103,227~~	~~2,264,433~~	7,483,177			9,930,737
	168,716	*2,269,828*					*166,794*	*2,280,766*				
a. Hazardous Waste (Line Item)		48,628	147,306			195,934		47,823	144,889			192,712
b. Landfill Management (Line Item)		138,367				138,367		136,501				136,501
c. Landfill Management — EQC (Line Item)		297,066				297,066		298,376				298,376
d. RVARCO Special Projects (Line Item)		112,348				312,348		308,898				308,898
e. Pay Exceptions — Environmental Specialist (Line Item)	13,72	125,4[illegible]	[illegible],173			239,188	13,491	124,583	98,317			236,391
f. Exemption for Noncommercial Waste — HB 660 (Line Item)		95,008				95,008		95,008				95,008
5. Water Quality (05)	~~169,560~~	521,550	2,079,210			~~2,770,322~~	~~162,493~~	516,550	2,057,121			~~2,741,164~~
	160,280					*2,761,040*	*158,211*					*2,731,882*
a. Agriculture Monitoring (Line Item)		15,000				15,000		15,000				15,000
b. Ground Water Pollution (Line Item)			112,371			112,373			111,203			111,203
c. Wastewater Operators (Line Item)		10,787				10,787		8,901				8,901
d. Subdivisions (Line Item)	44,186					44,186	40,213					40,213
e. Safe Drinking Water (Line Item)		625,017	303,823			928,840		622,756	302,363			925,119

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
f. Nonpoint Source Pollution (Line Item)			1,423,271			1,423,271			1,422,188			1,422,188
g. Ground Water — EQC (Line Item)		101,494				101,494		99,903				99,903
h. Ground Water — EQC Lawyer (Line Item)			46,378			46,378			45,590			45,590
i. Pay Exceptions — Environmental Specialist (Line Item)	~~7,443~~	42,981	75,215			~~125,639~~	~~7,436~~	45,023	73,969			~~126,428~~
	7,036					125,234	6,436					125,428
j. SB 136 — Water Quality Districts (Line Item)		18,539				18,539		18,504				18,504
6. Health Services and Medical Facilities (06)	~~476,282~~	45,753	230,678			~~752,713~~	469,155	45,455	231,110			745,720
	474,831					751,262						
a. HB 445 — Health Planning Specialist (Line Item)	16,289					16,289	16,251					16,251
7. Family/Maternal and Child Health Bureau (07)	~~191,985~~		15,082,316			~~15,184,401~~	~~101,274~~		14,859,001			~~14,960,275~~
	97,985					15,180,301	97,272					14,956,273
a. Child Nutrition (Line Item)			1,634,000			1,634,000			2,642,000			2,642,000
b. WIC (Line Item)			1,122,486			1,122,486			1,122,486			1,122,486
c. MIAMI Program (Line Item)	171,468					171,468	169,608					169,608
8. Preventive Health Bureau (08)	~~217,576~~	60,020	1,120,301			~~1,397,897~~	~~216,795~~	65,874	1,111,683			~~1,394,352~~
	199,076					1,379,397	91,795					1,269,352
a. Chronic Disease Prevention (Line Item)			40,054			40,054			39,850			39,850
b. AIDS Education (Line Item)			20,000			20,000			20,000			20,000
c. Sexually Transmitted Diseases (Line Item)			79,556			79,556			78,656			78,656
d. AIDS (Line Item)			33,583			33,583			32,751			32,751
e. Vaccine (Line Item)												

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			103,540			103,540			101,774			101,774
9.	Licensing and Certification (09)											
	~~450,760~~		912,381			~~1,363,141~~	~~466,089~~		876,281			~~1,342,370~~
	371,607					1,283,988	407,528					1,283,809
	a. OBRA (Line Item)											
	47,681		802,065			849,746	64,101		724,616			788,717
	b. Hearings — OBRA (Line Item)											
	10,275		126,727			137,002	13,700		123,302			137,002
Total												
	~~3,606,644~~	~~12,814,236~~	34,392,528	1,443,725		~~52,256,125~~	~~3,599,168~~	~~3,702,383~~	34,979,316	1,386,046		~~47,667,513~~
	3,326,613	12,950,231				52,113,089	3,207,736	7,866,310				47,439,408

Item 3c is a biennial appropriation.

The total appropriation for the department includes $2,204,426 in fiscal 1992 and $2,204,426 in fiscal 1993 from the maternal and child health block grant. To the extent revenue from the grant exceeds these amounts, it must be distributed to the counties, based upon identifiable needs. To the extent revenue from the grant is less than these amounts, allocations must be reduced proportionately among state programs and grants to counties.

The total appropriation for the department includes $644,771 in fiscal 1992 and $644,771 in fiscal 1993 from the preventive health block grant. To the extent revenue from the grant exceeds these amounts, it must be distributed at the discretion of the director of the department, based upon identifiable health care needs. To the extent revenue from the grant is less than these amounts, the director of the department shall make program reductions.

Funds appropriated to the department for indirect cost recovery may be expended only for that purpose.

The director's office includes $82,897 of general fund money each year within the legal unit that may be used only to pay legal services billed to programs funded by the general fund within the department. None of this appropriation may be transferred to other programs.

Item 2 includes a total of $25,000 of general fund each year that must be used to perform tests as needed on behalf of the food and consumer safety and occupational health bureaus within the department. If these funds are not needed for testing in the food and consumer safety and occupational health bureaus, they may be expended for other services within the laboratories.

It is the intent of the legislature that the department determine the feasibility of funding the public health and chemistry laboratories through proprietary and special revenue accounts with little or no use of general fund money, except as specified to support testing for the food and consumer safety and occupational health bureaus. If the department determines that such accounting is feasible and saves general fund money, then on or after July 1, 1991, the department may request that the approving authority authorize a proprietary account and reduce the general fund appropriation by a like amount. If this occurs, the general fund appropriation must remain at $25,000 to provide necessary testing for the food and consumer safety and occupational health bureaus.

Item 2b is a biennial appropriation that may be used only if the demand for reimbursible services requires expenditures for supplies, materials, and communications in excess of the appropriated levels of $184,820 in fiscal 1992 and $184,597 in fiscal 1993.

The department is authorized to receive an interentity loan from the general fund for no more than $4,928,894 for the purpose of conducting the Clark Fork natural resources damage assessment and litigation against the atlantic richfield company (ARCO). Repayment of this loan is extended through the end of the 1993 biennium in accordance with 17-2-107. The repayment must include interest on the amount loaned at a rate commensurate with rates earned in the short-term investment pool.

The natural resource damage litigation program policy committee is formed to ensure cooperation and unity among the state's natural resource agencies in carrying out their responsibilities as representatives of the governor, who is the trustee of the state's natural resources. The policy committee shall guide and make natural resource damage litigation program policy recommendations. The appropriation of $4,928,894 to continue the natural resources lawsuit against ARCO must be overseen by the policy committee, which consists of the following individuals or their designated

	Fiscal 1992					Fiscal 1993						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
representatives: the governor's energy and environmental policy advisor; the directors of the departments of health and environmental sciences and fish, wildlife, and parks; and the commissioner of the department of state lands. The attorney general or his designated representative may act in an advisory capacity to the natural resource damage litigation program policy committee.												
None of the appropriation for the licensing, certification, and construction bureau may be transferred to any other program in the department.												
The legislative fiscal analyst is directed to recalculate the indirect cost assessments to department programs, using the following rates applied to 100% of personal services:												
FY 92FY 93												
General Rate14.00%12.00%												
Environmental Sciences Division 3.00% 3.00%												
Statewide Cost Allocation 3.75% 3.75%												
Items 3e, 4e, and 5i may be used only to pay for the blanket "pay exception — environmental specialist" class series and associated indirect costs, authorized by the department of administration on April 11, 1991.												
~~Items 3f, 3g, 3h, and 3i are contingent on passage and approval of House Bill Nos. 987, 988, 989, and 904 respectively.~~												
~~Item 4f is contingent on passage and approval of House Bill No. 660.~~												
DEPARTMENT OF LABOR AND INDUSTRY (6602)												
1. Job Service Division (01)												
a. Federal Economic Dislocated Worker Adjustment and Assistance/Trade Adjustment Assistance Program (Line Item)	88,244	11,386,520			11,474,764		88,236	11,336,977			11,425,213	
b. Jobs for Montana Graduates (Line Item)		247,869			247,869			247,534			247,534	
2. Unemployment Insurance (02)		126,517			126,517			124,485			124,485	
a. Unemployment Insurance Accounts Receivable (Line Item)		3,741,488			3,741,488			3,701,445			3,701,445	
3. Commissioner/Centralized Services (03)		126,312			126,312			102,208			102,208	
a. Audit (Line Item)			2,711,023		2,711,023				2,664,153		2,664,153	
4. Employment Relations (04)			66,293		66,293							
~~434,423~~ 423,224	1,359,095	680,030	389,277		~~2,862,825~~ 2,851,626	~~405,167~~ 394,028	1,317,950	684,365	389,094		~~2,796,576~~ 2,785,437	
a. Consideration of Investment Income — HB 187 (Line Item)		44,438			44,438		38,485				38,485	
~~b. HB 342 — Implementation (Line Item)~~												

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		~~45,400~~				~~45,400~~		~~39,445~~				~~39,445~~
5.	Legal Services Division (06)											
		243,463	458,877	133,095		835,435		244,610	461,562	132,946		839,118
6.	Research, Safety, and Training (07)											
		727,437	2,027,353			2,754,790		728,061	1,995,263			2,723,324
7.	Human Rights Commission (08)											
	283,438		101,470			384,908	288,063		101,463			389,526
	a. Human Rights Backlog (Line Item)											
	~~44,263~~					~~44,263~~	~~47,492~~					~~47,492~~
	16,461					16,461	8,690					8,690
8.	Workers' Compensation Judge (09)											
		356,165				356,165		355,643				355,643
9.	Job Training Grants (50)											
			13,940,510			13,940,510			14,158,765			14,158,765
	a. Project Work Program Contracts (Line Item)											
			286,145			286,145			286,145			286,145
	b. Federal Economic Dislocated Worker Adjustment and Assistance/Trade Adjustment Assistance Grants (Line Item)											
			596,435			596,435			664,793			664,793
	c. Job Training Partnership Act Funding (Line Item)											
			1,267,759			1,267,759			1,732,241			1,732,241
Total												
	~~[illegible]~~	2,818,842	34,987,285	3,249,688		~~41,053,944~~	~~[illegible]~~	2,772,985	35,597,246	3,186,193		~~42,056,924~~
	723,123					41,828,938	690,781					42,247,205

All unappropriated revenue to and fund balance in the unemployment insurance administrative tax account is appropriated to a reserve fund for job service administrative costs, except amounts, up to $100,000 per fiscal year, necessary to comply with federal requirements that a cost allocation plan for nonunemployment insurance tax collections be established. The amount of unappropriated funds for deposit into the reserve must be determined after all other unemployment insurance administrative tax appropriations are funded. The job service reserve fund must be maintained within the unemployment insurance administrative tax account. Interest earned on the job service reserve must be deposited into the job service reserve fund. Sufficient funds from the job service reserve are appropriated to the department to fund the job service federal fund appropriation in fiscal 1992 and fiscal 1993, contingent upon receipt of federal funds for the support of job service functions that are less than the level received in fiscal 1991. Funds in the job service reserve may not be transferred to the unemployment insurance trust fund until January 30, 1993, except in the case that an amount is necessary to reduce the employer contribution schedule for the coming year. Any transfer prior to January 30, 1993, must be reviewed by the legislative finance committee.

The department, in concert with other interested parties, shall prepare formal guidelines for use of the unemployment insurance administrative tax funds and present these guidelines to the 53rd legislature. At a minimum, the guidelines must include a prioritization of programs and activities to be funded. The criteria for prioritization must include the following considerations:

(1) loss of federal funding, impact on rural communities, and employer/employee-related functions; and

(2) the establishment and maintenance of a reserve fund to ensure that employment security services continue in the event of federal fund reductions.

The department shall provide information to the 53rd legislature regarding the actual amount collected by the 3 FTE added to collect unemployment insurance accounts receivable.

	Fiscal 1992						Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	
The department is appropriated up to $1 million each year from funds referred to in 39-71-502 and 39-71-901 to pay uninsured employer and subsequent injury benefits as required by 39-71-503 and 39-71-907.												
Funds appropriated in item 1b must be distributed to the office of public instruction for administration of the jobs for Montana's graduates program.												
~~Item 4 is increased by $58,916 in fiscal 1992 and by $70,143 in fiscal 1993 (state special revenue) if House Bill No. 837 is not passed into law.~~												
~~Item 4a is contingent on passage and approval of House Bill No. 187.~~												
~~Item 4b is contingent on passage and approval of House Bill No. 342.~~												
~~Contingent on passage and approval of Senate Bill No. 228, the~~ *The* budget director shall increase item 8 by the amount necessary to bring the salary and benefits of the workers' compensation judge to the levels authorized by ~~Senate Bill No. 228~~ *Chapter 656, Laws of 1991*, less any increase provided for in the pay plan bill.												
Funds appropriated in item 9c to replace federal fund reductions in Job Training Partnership Act (JTPA) programs statewide are one-time only funds and may be used only if and to the extent federal JTPA funds allocated to the state are less than the amount allocated in state fiscal year 1991. Unspent funds revert to the job service reserve fund in the unemployment insurance administrative tax account.												
During fiscal 1993, the department is authorized to use unemployment insurance administrative tax funds appropriated for funding the JTPA as state matching funds for federal funds appropriated to the department of social and rehabilitation services for the job opportunities and basic skills (JOBS) program.												
The amount of unemployment insurance administrative tax funding for the jobs for Montana's graduates program may not be increased.												
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES (6901)												
1. Family Assistance (01)												
~~14,004,197~~	~~724,364~~	~~44,743,502~~			~~60,142,063~~	~~14,542,550~~	~~724,445~~	~~44,794,905~~			~~60,063,881~~	
16,328,532	*806,543*	*48,365,516*			*65,500,591*	*15,066,913*	*801,988*	*48,101,330*			*64,970,231*	
a. Food Stamp Employment and Training (Line Item)												
		96,000			96,000			96,000			96,000	
b. Day-Care Rate Increase (Line Item)												
~~33,404~~		~~84,673~~			118,077	~~57,550~~		~~147,256~~			204,806	
0		*118,077*				*0*		*204,806*				
c. Food Stamp Job Search Support (Line Item)												
43,750					43,750	43,750					43,750	
d. Statewide Jobs Program (Line Item)												
709,367		1,931,001			2,640,368	709,367		1,931,001			2,640,368	
e. AFDC/General Assistance at 42% of Federal Poverty Index (Line Item)												
537,529	29,142	1,135,730			1,702,401	1,199,824	67,125	2,622,980			3,889,929	
2. Eligibility Determination Program (03)												
2,463,835	2,436,980	4,523,828			9,424,643	2,461,200	2,434,448	4,519,060			9,414,708	
3. Administrative and Support Services (04)												
~~616,736~~	307,237	1,517,425		1	~~2,441,459~~	~~616,875~~	308,621	1,522,310		1	~~2,447,807~~	
615,002					*2,439,665*	*616,482*					*2,447,414*	

	Fiscal 1992					Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Audit (Line Item)											
68,690	6,284	74,974			149,948						
b. Grant Writing (Line Item)											
~~11,250~~	11,250	22,500			~~45,000~~	~~11,250~~	11,250	22,500			~~45,000~~
0					33,750	0					33,750
4. Child Support Enforcement (05)											
	1,225,772	2,443,455			3,669,227		1,215,076	2,441,553			3,656,629
a. Contracted Employees (Line Item)											
	~~126,004~~	246,512			~~372,516~~		~~129,124~~	250,652			~~379,776~~
	109,756				356,268		101,511				352,163
b. Collection of Parental Contribution to Out-of-Home Care — HB 993 (Line Item)											
	10,147	9,692			29,837		10,294	19,981			30,275
5. State-Assumed County Administration (06)											
606,151		500,578			1,106,729	~~606,643~~		500,752			~~1,107,395~~
						596,195					1,096,947
6. Medical Assistance (07)											
~~59,491,000~~	7,590,929	~~169,940,000~~			~~237,021,929~~	~~54,411,324~~	7,975,494	~~174,077,001~~			~~236,463,819~~
57,081,847		170,146,054			235,018,830	53,861,591		169,647,004			231,484,089
a. OBRA-90 (Line Item)											
~~446,000~~		~~1,000,000~~			~~1,446,000~~	~~1,432,000~~		~~1,262,000~~			~~4,240,156~~
282,998		631,829			914,827	1,169,322		2,470,104			3,639,426
b. Hospital Rate Study/Cost Containment (Line Item)											
292,080		142,080			434,160	191,300		41,300			232,600
c. Baby Your Baby (Line Item)											
	134,000	134,000			268,000						
d. Nurses' Aide Testing (Line Item)											
86,400		86,400			172,800	86,400		86,400			172,800
e. Nursing Home Rate Rebase (Line Item)											
1,110,746		2,815,539			1,926,285	2,644,514		6,766,569			9,411,083
f. Elderly Waiver Expansion (Line Item)											
74,888		189,827			264,715	100,134		256,216			356,350
g. Residential Psychiatric (Line Item)											
		4,490,088			4,490,088			4,516,295			4,516,295
h. Increase Ob/Gyn/Ped Physicians' Rates (Line Item)											
~~1,665,510~~		~~3,666,666~~			~~4,666,666~~	~~1,666,611~~		~~3,481,943~~			~~4,148,340~~
817,510		2,072,241			2,889,751	1,078,431		2,759,406			1,837,839
i. Health Clinics Expansion (Line Item)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	18,388		46,612			65,000	18,265		46,735			65,000
	~~j. Hospital Rate Rebase (Line Item)~~											
							~~920,613~~		~~2,355,590~~			~~3,276,203~~
							0		0			0
	~~k~~ *j.* Ambulance Provider Increase (Line Item)											
	139,727		354,189			493,918	138,791		355,127			493,918
	~~l~~ *k.* Pregnant Women Targeted Case Management (Line Item)											
	139,484		353,566			493,050	138,574		354,572			493,146
	~~m~~ *l.* Provider Rate Increase (Line Item)											
	3,181		8,068			11,249	6,354		16,258			22,612
	~~n~~ *m.* Operating Cost Implementation of SB 391 (Line Item)											
	62,298		119,299			181,597	86,551		90,752			177,303
	~~o~~ *n.* Managed Care Benefit Costs of SB 391 (Line Item)											
							143,566		367,346			510,912
	~~p~~ *o.* Targeted Case Management Benefits Costs for the Mentally Ill — SB 391 (Line Item)											
			1,510,752			1,510,752			1,524,996			1,524,996
	~~q~~ *p.* Federal Medicaid Reimbursement for State Institutions — HB 93 (Line Item)											
			104,334			104,334			109,288			109,288
7.	Audit and Program Compliance Division (08)											
	~~578,730~~	7,445	809,479			~~1,395,654~~	~~578,628~~	7,430	809,185			~~1,395,243~~
	575,770					1,392,694	567,733					1,384,348
8.	Office of Management, Analysis, and Systems (09)											
	~~1,860,954~~	534,238	~~3,083,450~~		1	~~5,477,741~~	~~2,074,546~~	578,011	3,474,121			~~6,126,678~~
	1,697,497		2,933,450			5,165,186	2,055,708					6,107,840
	a. TDD Project Implementation (Line Item)											
		67,072				67,072		70,890				70,890
	b. TEAMS Operations (Line Item)											
	438,795					438,795	485,182					485,182
	c. SEARCHS Operations (Line Item)											
		~~396,337~~	~~3,567,031~~			~~3,963,368~~		226,975	1,322,777			1,549,752
		196,337	2,433,698			2,630,035						
9.	Vocational Rehabilitation Program (10)											
	~~970,616~~	688,058	6,416,932			~~8,075,606~~	~~969,586~~	687,966	6,278,353			~~7,935,905~~
	965,693					8,070,683	966,386					7,932,705
	a. JTPA Administration (Line Item)											
			15,000			15,000			15,000			15,000
	b. Provider Rate Increase (Line Item)											

	Fiscal 1992					Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
51,952		199,957			251,909	104,422		401,908			506,330
c. JTPA Additional Training (Line Item)											
		25,000			25,000			25,000			25,000
d. Program Expansion (Line Item)											
155,455					155,455	155,455					155,455
10. Disability Determination Program (11)											
		2,655,318			2,655,318			2,654,349			2,654,349
11. Visual Services Program (13)											
~~281,858~~		968,316			~~1,250,174~~	~~281,653~~		967,493			~~1,249,146~~
280,319					1,248,635	279,374					1,246,867
a. Provider Rate Increase (Line Item)											
7,204		21,654			28,858	14,476		43,520			57,996
12. Developmental Disabilities Program (14)											
~~9,214,000~~		16,042,689			~~25,256,777~~	~~9,277,332~~		15,975,818			~~25,253,150~~
9,206,205					25,248,894	9,265,498					25,241,316
a. Provider Rate Increase (Line Item)											
931,226		328,892			1,260,118	1,916,428		676,848			2,593,276
b. Program Expansion (Line Item)											
~~181,779~~		~~467,431~~			~~649,210~~	181,779		467,431			649,210
95,483		245,527			341,010						
c. DD System Phase IV Implementation (Line Item)											
725,745		568,430			1,294,175	~~1,213,331~~		1,517,728			~~2,731,059~~
						813,331					2,331,059
d. DD System Phase I and II Implementation (Line Item)											
391,794		762,564			1,154,358	389,156		761,753			1,150,909
e. DD Part H Expansion (Line Item)											
~~593,959~~		~~244,627~~			841,686	897,059		244,627			1,141,686
477,059		364,627									
f. Increased Title XIX Funding (Line Item)											
		500,000			500,000			500,000			500,000
g. Montana Youth Initiative (Line Item)											
		86,000			86,000			86,000			86,000
h. Chapter I OPI DD Treatment (Line Item)											
		90,000			90,000			90,000			90,000
i. OBRA-87 (Line Item)											
						296,516		762,470			1,058,986
13. Developmental Disabilities Advisory Council (15)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			304,696			304,696			304,672			304,672
a.	DDPAC Grant Increased Administration (Line Item)											
			9,977			9,977			10,004			10,004
b.	DDPAC Grant Increased Benefits (Line Item)											
			32,500			32,500			32,500			32,500
14.	*Budget Reduction (Line Item)*											
	50,000					50,000	100,000					100,000
Total	~~97,432,602~~	~~14,296,344~~	~~280,214,872~~	2		~~391,999,512~~	~~101,008,975~~	~~14,444,050~~	~~289,062,850~~	1		~~403,356,646~~
	97,432,602	14,161,188	280,214,872			391,808,664	99,646,029	14,497,079	289,062,850			403,205,959

The department is authorized to retain 7.5% of the federal community services block grant and pass through the remaining 92.5% to the human resource development councils (HRDC). If, during fiscal 1992 or fiscal 1993, the block grant falls below the federal fiscal year 1990 grant level, the department shall retain only 5% and pass through the remaining 95% to the HRDCs.

Item 1b is funding for rate increases to day-care providers. Beginning October 1, 1991, the department shall increase day-care provider rates up to 75% of the "local market rate" (the maximum allowed under federal regulations). If federal regulations permit the use of funds from the new "child care and development block grant" for these increases, the department shall decrease the general fund appropriations by the amount of block grant funds available.

Item 1e is additional funding to set AFDC and general assistance payment levels at 42% of the federal poverty index.

The department may, beginning October 1, 1991, pay AFDC recipients a transition-to-work allowance. The allowance may be used for travel and relocation expenses of the recipient and family to another county or state. AFDC recipients are eligible to receive this allowance under rules adopted by the department. The rules may establish limitations on the amount to be paid and require that the recipient have verification of employment, an employment interview, or acceptance into an approved educational or training program. Expenses for a transition-to-work allowance may be paid from the appropriation for AFDC benefits.

The department is authorized to use federal funds appropriated for the job opportunities and basic skills (JOBS) program to match general fund money available within the department and unemployment insurance administrative tax funds appropriated to the department of labor and industry for funding the Job Training Partnership Act (JTPA).

The state share of the AFDC-related support collections and all AFDC and non-AFDC federal incentive payments must be deposited in a state special revenue account from which the state's share of the administrative and operational costs of the child support enforcement program must be paid. The legislature intends that, during the 1993 biennium, the department collect $1.25 for each $1 expended for administrative and operational costs from the account. Expenditures made from the account for state medicaid match or development of the SEARCHS computer project are not considered administrative or operational expenditures for purposes of this requirement. ~~Any cash fund balance in excess of $500,000 in the state special revenue account at the end of each fiscal year must be deposited in the state general fund.~~ *The department shall transfer to the general fund from the child support enforcement account all cash balance remaining at the end of fiscal 1992. Any cash balance in the account in excess of $500,000 at the end of fiscal 1993 must be deposited in the general fund.*

The department is authorized to transfer funds among appropriations for medicaid primary care, medicaid nursing care, medicare buy-in, state medical, and the home and community-based waiver program. Except as provided below, funds transferred to the medicaid waiver program may not be used to increase the number of recipients receiving waiver services but must be used solely for covering cost increases above the appropriated level.

The department may utilize funds appropriated for medicaid nursing care to increase the number of recipients in the home and community-based waiver program during the 1993 biennium under the following conditions:

(1) During the 1993 biennium, no more than 25 nursing residents who are appropriate for waiver services may be transferred from nursing facilities to the waiver program.

(2) Per diem waiver costs for residents moved from nursing facilities may not exceed the statewide average medicaid per diem cost of intermediate nursing care.

	Fiscal 1992						Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	

(3) The department shall keep records of each resident transferred under this provision and submit to the 53rd legislature a report on the number of residents transferred and any cost savings achieved as a result of the transfers.

The legislature intends that expenditures for all executive budget modifications for provider rate increases approved by the legislature be limited to dollar amounts appropriated rather than percentage increases on which the original estimates may have been based. The department will be in compliance with this provision if:

(1) it estimates total costs for each medicaid service category in June, prior to the beginning of each fiscal year of the 1993 biennium; and

(2) the percentage increases or base adjustments approved by the department are limited to the dollar amount appropriated for each budget modification.

The department may not expand or reduce the amount, scope, or duration of benefits provided to recipients under the medicaid primary care or nursing care programs during the 1993 biennium unless Title XIX of the federal Social Security Act is amended to require expansion or reduction of benefits as a condition of the state receiving federal financial participation. This provision may not be construed to prohibit the department from implementing coverage provided in 53-6-101(3)(l).

~~The appropriation in item 6g is contingent on passage and approval of House Bill No. 93.~~

The rate increases in items 6e and 6h are funded beginning October 1, 1991. ~~The rate increase in item 6j is funded beginning October 1, 1992.~~

Upon final determination of all general fund money in the department's unreconciled special revenue fund balance (in the approximate total amount of $2,530,153) and the deposit of these funds in the general fund, $438,795 in fiscal 1992 and $485,182 in fiscal 1993 are appropriated to fund the additional general fund costs of the TEAMS project in item 8b. Any funds remaining in the special revenue fund to which the state is entitled must be deposited in the general fund.

However, if a subsequent reconciliation concludes that funds transferred from the unreconciled account to the general fund belong to the federal government, the department may request a general fund supplemental appropriation to repay the federal funds.

~~House Bill No. 403 requires~~ *Chapter 707, Laws of 1991, required* the department to transfer all money in the federal special revenue account (number 03143) associated with the former department of community affairs grant closeouts reported in the April 1990 legislative audit report. ~~If House Bill No. 403 is passed and approved and~~ a subsequent reconciliation of this account concludes that any of the funds transferred from the account to the general fund belong to the federal government, the department may request a general fund supplemental appropriation to repay the federal funds.

It is the intent of the legislature that annualized expenses for operation of SEARCHS not exceed $1,500,000. This amount includes expenses for any facilities management contracting that may be utilized for system operations, computer processing costs directly associated with operation of the system, and other personal services and nonpersonal services costs directly charged to the management and operation of the system. The department may not proceed with development of SEARCHS until it has demonstrated to the satisfaction of the governor's office of budget and program planning and to the legislative finance committee that the projected annualized operational costs of the system will not exceed the limit imposed in this statement of intent.

Item 9b is funding for a 4.5% rate increase each year of the 1993 biennium to providers of vocational rehabilitation services.

Item 11a is funding for a 4.5% rate increase each year of the 1993 biennium to providers of visual services.

The department is authorized to transfer funds between appropriations for the vocational rehabilitation and visual services programs.

Item 12a is funding for a 4.5% rate increase each year of the 1993 biennium to providers of developmental disabilities services.

The department may pursue funding under the federal ICF/MR program for additional intensive service slots funded by the 1991 legislature if the federal government fails to approve adequate medicaid waiver funding under the home and community-based waiver program.

DEPARTMENT OF FAMILY SERVICES (6911)

1. Management Support (01)											
[illegible]	14,804	535,741	[illegible]	[illegible]	[illegible]	[illegible]	14,784	527,236	[illegible]	[illegible]	[illegible]

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	1,616,806					2,167,353	1,591,661					2,133,681
a.	Audit (Line Item)											
	62,036		38,982			101,018						
b.	Management Information System (Line Item)											
	80,037		8,893			88,930						
c.	Management Increases (Line Item)											
	109,849		81,583			191,432	102,829		75,227			178,056
d.	Division Directors (Line Item)											
	40,082		7,073			47,155	37,789		6,669			44,458
2.	Community Services (02)											
	~~13,795,783~~	2,607,131	~~12,092,833~~			~~34,418,827~~	~~20,227,881~~	2,614,818	~~12,178,123~~			~~35,020,822~~
	21,330,914		12,468,661			36,406,706	19,594,866		12,578,786			34,788,470
a.	Child Care and Development Block Grant (Line Item)											
			2,373,287			2,373,287			2,641,716			2,641,716
b.	Staff Increases (Line Item)											
	233,293		41,169			274,462	224,699		39,653			264,352
c.	Montana Developmental Center Phases I and II SSI (Line Item)											
	27,072					27,072	27,072					27,072
d.	Montana Developmental Center Phase IV Child Placement (Line Item)											
	42,435		107,565			150,000	84,300		215,700			300,000
e.	Montana Developmental Center Phase IV Case Management (Line Item)											
	29,664		51,546			81,210	29,665		51,535			81,200
f.	Montana Developmental Center Phase IV SSI (Line Item)											
	19,740					19,740	53,580					53,580
g.	Youth Treatment Services (Line Item)											
	~~1,770,656~~					~~1,770,656~~	~~1,764,154~~					~~1,764,154~~
	1,170,737					1,170,737	1,599,095					1,599,095
h.	Field Equipment (Line Item)											
	20,000					20,000	20,000					20,000
i.	Native American Services (Line Item)											
	280,863		711,937			992,800	278,977		713,823			992,800
j.	SB 37 — Aftercare Services (Line Item)											
	5,105					5,105	33,613					33,613
3.	Mountain View (03)											
	1,964,695	3,134	103,807			2,071,636	1,981,694	3,135	103,877			2,088,706
a.	Staff Increases (Line Item)											
	34,902					34,902	33,675					33,675
4.	Pine Hills School (04)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	3,205,244	314,045	303,489			3,822,778	3,220,172	320,180	303,344			3,843,696
a.	Industries Program (Line Item)	6,000				6,000		6,000				6,000
b.	Staff Increases (Line Item)	61,757				61,757	61,707					61,707
Total	[illegible]	2,945,116	[illegible]			[illegible]	[illegible]	2,958,917	[illegible]			[illegible]
	30,335,231		16,833,733			50,114,080	28,975,394		17,257,566			49,191,877

Item 1b is a biennial appropriation.

The department shall submit to the 53rd legislature a report detailing the numbers of developmentally disabled (DD) clients served by the department in fiscal 1992 and the actual fiscal 1992 general fund and federal fund expenditures for that service.

The department may provide DD targeted case management through increases in staff, or it may contract for the targeted case management services. The department may transfer the targeted case management program for the developmentally disabled to the department of social and rehabilitation services during the 1993 biennium.

Included in item 2 is a general fund appropriation of $38,708 in fiscal 1992 and $58,083 in fiscal 1993 for increases to day-care providers. Beginning October 1, 1991, the department shall increase day-care provider rates up to 75% of the "local market rate" (the maximum allowed under federal regulations). If federal regulations permit the use of funds from the new "child care and development block grant" for these increases, the department shall decrease the general fund appropriations by the amount of block grant funds available.

In item 2a, the department is appropriated federal funds of $2,373,287 in fiscal 1992 and $2,641,716 in fiscal 1993 for improving the availability and quality of day care. The department shall issue a report to the 53rd legislature detailing the numbers and types of services provided and the actual fiscal 1992 expenditures for those services.

In item 2g, at least $1.3 million for the biennium must be reserved for residential treatment services.

In item 2i, the department may use the funds to contract for direct services on reservations or pay for placement services.

The continuum of service plan is to be presented to the legislative finance committee during calendar 1991 for its review and comment. After review by the committee and consideration of recommendations and upon implementation of the plan, all funds are to be spent in accordance with the plan. The goal of the plan is to develop a comprehensive child welfare service system by July 1, 1993. The system must include but not be limited to family-based services, foster care, therapeutic foster care, group care, residential treatment, and psychiatric hospitalization for youth. Funds appropriated for the youth foster care program may not be transferred to the medicaid program administered by the department.

~~The personal services reduction may not be applied to social workers in the community services program of the department.~~

TOTAL SECTION B	[illegible]	[illegible]	[illegible]	4,741,415	[illegible]	[illegible]	[illegible]	4,572,240	[illegible]		
	131,817,569	12,875,177	186,428,410		535,864,771	132,539,940	28,095,291	176,896,978			542,084,449

	Fiscal 1992					Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
					C. NATURAL RESOURCES						
PUBLIC SERVICE REGULATION (4201)											
1. Public Service Regulation Program (01)											
1,791,853		25,137	19,397		1,836,387	1,806,581		25,113	19,380		1,851,074
a. Audit (Line Item)											
15,784					15,784						
b. Consultants (Line Item)											
50,000					50,000						
c. Travel and Registration (Line Item)											
25,000					25,000						
d. Exempt Positions Salaries (Line Item)											
14,400					14,400	14,400					14,400
e. Public Service Commission Relocation — SB 164 (Line Item)											
176,310					176,310	108,120					108,120
f. Regulation of Log Hauling — HB 192 (Line Item)											
23,639					23,639	20,027					20,027
Total											
2,096,986		25,137	19,397		2,141,520	1,949,128		25,113	19,380		1,993,621
Items 1b and 1c are biennial appropriations.											
DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)											
1. Management Services Division (01)											
1,184,123		471,048	1,845,483		3,500,654		1,231,525	469,542	1,839,404		3,540,471
a. Audit (Line Item)											
53,666					53,666						
b. Legislative Contract Authority (Line Item)											
		65,000			65,000			65,000			65,000
c. Fiscal Management Position (Line Item)											
33,801					33,801		32,425				32,425
d. Vehicle Account (Line Item)											
			163,000		163,000				169,000		169,000
2. Field Services Division (02)											
2,139,230		451,282	106,137		2,696,649		2,158,078	457,296	101,115		2,716,489
a. Block Management (Line Item)											
170,581					170,581		170,469				170,469
b. Fishing and Motorboat Access (Line Item)											

	Fiscal 1992					Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	9,880	29,642			39,522		9,863	29,591			39,454
c. Microcomputer Support (Line Item)											
	30,731				30,731		30,665				30,665
d. Block Management — Executive Planning Process (Line Item)											
	234,494				234,494		234,496				234,496
e. Game Damage (Line Item)											
	50,000				50,000		75,000				75,000
f. Sporting Information (Line Item)											
	17,000				17,000		17,000				17,000
g. License Agent Commissions (Line Item)											
	10,300				10,300		97,300				97,300
h. Development and Maintenance of Department Property (Line Item)											
	60,000				60,000		60,000				60,000
i. Computerize Land Records (Line Item)											
	35,000				35,000		35,000				35,000
j. Cherry Creek Reservoir (Line Item)											
	100,000	[illegible],000			150,000						
k. License Drawings — HB 91 (Line Item)											
	9,864				9,864		7,297				7,297
3. Fisheries Division (03)											
	2,507,264	2,162,190		18,600	4,688,054		2,367,417	2,130,525			4,497,942
a. Water Leasing Study (Line Item)											
		60,000			60,000						
b. Legislative Contract Authority (Line Item)											
		1,245,000			1,245,000			1,505,000			1,505,000
c. Missouri Basin Reservations (Line Item)											
	41,706	125,120			166,826						
d. Streambank Projects (Line Item)											
	10,[illegible]	[illegible],000			41,000		10,000	31,000			41,000
e. USFS Fisheries Data Project (Line Item)											
	13,958	41,873			55,831		14,233	42,700			56,933
f. Evaluate Fish Population (Line Item)											
	27,060	81,180			108,240		27,051	81,152			108,203
g. Fishing and Motorboat Access (Line Item)											
	8,006	24,017			32,023		8,089	24,264			32,353
h. Flathead Lake Fishery (Line Item)											
	5,785	17,354			23,139		5,971	17,911			23,882
i. Clark Fork River Investigation (Line Item)											

	Fiscal 1992					Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	12,318	36,953			49,271		12,317	36,952			49,269
j. Fish Hatchery Operations (Line Item)											
	13,750	41,250			55,000		13,750	41,250			55,000
k. Evaluation of Fish Introductions — HB 576 (Line Item)											
	18,750	56,250			75,000						
l. Paddlefish Roe — HB 115 (Line Item)											
	26,000				26,000		26,000				26,000
m. Water Measuring Devices — HB 908 (Line Item)											
	7,250				7,250		21,750				21,750
4. Law Enforcement Division (04)											
	3,958,760	190,882			4,149,642		3,991,839	190,713			4,182,552
a. Legislative Contract Authority (Line Item)											
		40,000			40,000			40,000			40,000
b. Special Investigations (Line Item)											
	110,580				110,580		110,547				110,547
c. Enforcement Relocation (Line Item)											
	27,000				27,000		27,000				27,000
5. Wildlife Division (05)											
	2,500,661	2,288,629			4,789,290		2,519,720	2,306,357			4,826,077
a. Upland Game Birds (Line Item)											
	1,853,386				1,853,386						
b. Legislative Contract Authority (Line Item)											
		1,404,500			1,404,500			1,331,500			1,331,500
c. Sun River Game Management Area (Line Item)											
	35,000				35,000						
d. Habitat/Timber Sales Plans (Line Item)											
	16,250				16,250		16,250				16,250
e. Canyon Ferry Wildlife Management Area (Line Item)											
	7,404				7,404		7,398				7,398
f. Helicopter Rental (Line Item)											
	45,300	45,300			90,600		45,300	45,300			90,600
g. Upland Game Bird Increase (Line Item)											
	125,000				125,000						
h. Development and Maintenance of Real Property — SB 252 (Line Item)											
	532,026				532,026						
6. Parks Division (06)											
~~54,449~~	3,378,402	289,215	256,913		~~3,979,279~~	~~54,700~~	3,405,876	289,122	271,732		~~4,021,430~~
50,323					3,974,853	50,324					4,017,054

		Fiscal 1992					Fiscal 1993						
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a.	Land and Water Conservation Fund (Line Item)			700,000			700,000						
b.	Legislative Contract Authority (Line Item)			25,000			25,000			25,000			25,000
c.	Park Futures Committee (Line Item)	~~468,356~~ 338,273					~~468,356~~ 338,273	~~469,454~~ 337,903					~~469,454~~ 337,903
d.	Fishing Access Maintenance (Line Item)		49,549				49,549		49,550				49,550
e.	Capitol Grounds Maintenance (Line Item)				27,265		27,265				27,258		27,258
f.	Off-Highway Vehicles — HB 309 (Line Item)		98,580				98,580		98,580				98,580
7.	Conservation Education Division (08)	1,217,193		149,842			1,387,035	1,241,942		156,244			1,398,186
a.	Shooting Ranges (Line Item)		150,049				150,049						
b.	Legislative Contract Authority (Line Item)			30,000			30,000			30,000			30,000
c.	Watchable Wildlife (Line Item)		29,333				29,333		29,334				29,334
d.	Aquatic Education (Line Item)		2,748	8,244			10,992		2,748	8,244			10,992
e.	Update Hunter Education (Line Item)		6,250	18,750			25,000		6,250	18,750			25,000
f.	Off-Highway Vehicles — HB 309 (Line Item)		10,900				10,900		10,900				10,900
8.	Administration (09)	1,408,450		552,491			1,960,941	1,597,938		550,990			2,148,928
a.	Legislative Contract Authority (Line Item)			100,000			100,000			100,000			100,000
b.	Legal Services — Executive Planning Process (Line Item)		11,798				11,798		13,8[illegible]				13,8[illegible]
c.	Tribal Relations (Line Item)		40,000				40,000		4[illegible]				4[illegible]
d.	Interagency Support (Line Item)		25,000				25,000		25,000				25,000
e.	Geographic Information System (Line Item)												

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		50,000				50,000		40,000				40,000
f.	Regional Offices Support (Line Item)											
		75,000				75,000		75,000				75,000
g.	Sikes Act (Line Item)											
		150,000	20,000			170,000						
h.	Predator Control (Line Item)											
		20,000				20,000		20,000				20,000
i.	Legal Services (Line Item)											
		12,300				12,300		12,300				12,300
Total												
	~~423,055~~	23,019,436	10,852,012	2,398,798	18,600	~~36,711,901~~	~~423,064~~	20,072,969	10,024,403	2,408,509		~~32,928,945~~
	388,596					36,677,442	388,227					32,894,108

Items 2j, 3a, 3c, 3k, 5a, 5c, 5g, 5h, 6a, 7a, and 8g are biennial appropriations.

If the department receives private funds, it may increase its state special revenue appropriation and decrease its federal revenue appropriation by like amounts.

The appropriation for the legislative contract authority in items 1b, 3b, 4a, 5b, 6b, 7b, and 8a is subject to the following provisions:

(1) Legislative contract authority applies only to federal and private funds.

(2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations.

(3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects, with the related amount of expenditures for each project.

The department shall conduct a study of the options and methods available for allocating administrative costs to the various state special revenue funds managed by the agency. The department shall present the findings of its study to the legislative finance committee by July 1, 1992, along with its recommendation, affected accounts, and any required statute changes.

Item 2f contains $17,000 a year to develop informational displays for use by license agents, and item 2g contains $10,300 in fiscal 1992 and $97,300 in fiscal 1993 for increases in license agents' commissions. ~~The expenditures of these appropriations are contingent on the enactment of Senate Bill No. 171. Senate Bill No. 171 increases~~ *Chapter 592, Laws of 1991, increased* certain fishing and hunting license fees.

Item 2h contains $60,000 a year from the general license account for development and maintenance of wildlife management areas, waterfowl projects, parks, and fishing access sites. This appropriation is reduced by the amount of funds ~~Senate Bill No. 252, if enacted, provides~~ *Chapter 319, Laws of 1991, provided* the general license account for the management of wildlife management areas. ~~Senate Bill No. 252 revises~~ *Chapter 319, Laws of 1991, revised* allocation of funds for development and maintenance of wildlife habitat.

Item 3 contains $18,600 in fiscal 1992 to contract with the U.S. fish and wildlife service to raise Kokanee salmon fingerlings at the Creston national fish hatchery. If a second raceway shelter at the Creston national fish hatchery is not purchased, this appropriation is reduced by $8,220.

Item 3i contains $50,042 in fiscal 1992 and $50,040 in fiscal 1993, appropriated for aquatic resource data collection on the Upper Clark Fork River in connection with the state's resource damage assessment suit against ARCO. The department shall present to the 53rd legislature the results of this project. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base. In the litigation, the state shall seek reimbursement for all expenses incurred by the department associated with the assessment and litigation. Reimbursement must include interest on the amount commensurate with rates earned in the short-term investment pool.

	Fiscal 1992					Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

Item 4c contains $27,000 a year for employee relocation expenses. The department shall present the 53rd legislature with a report on historical expenditures for employee relocation. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.

Item 6 contains $246,266 from federal funds and $55,000 from the general fund in fiscal 1992 and $246,173 from federal funds and $55,000 from the general fund in fiscal 1993 for the Montana conservation corps. It is the intent of the legislature that the department provide a liaison position to coordinate this program with the human resource development council.

Item 8 contains $5,500 in fiscal 1992 to print the department's 5-year strategic plan. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.

Item 8e contains $50,000 in fiscal 1992 and $40,000 in fiscal 1993 for a pilot project to evaluate potential uses of a geographic information system within the department. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.

Fish, wildlife, and parks commission commissioners cannot be flown to or from fish, wildlife, and parks commission meetings in state-owned aircraft unless documented cost savings over other transportation options can be achieved.

DEPARTMENT OF STATE LANDS (5501)

1. Central Management Program (01)										
~~1,435,054~~	97,627	112,654	188,024	~~1,834,159~~	~~1,436,705~~	95,037	112,596	185,611	~~1,830,029~~	
1,374,154				1,772,459	1,379,585				1,772,829	
a. Audit (Line Item)										
41,038				41,038						
b. Trust Land Access (Line Item)										
~~406,000~~				~~300,000~~						
250,000				250,000						
c. Helena Office Support Staff (Line Item)										
16,451	31,796			48,247	16,350	31,796			48,146	
d. Royalty Auditor Travel Expense (Line Item)										
	10,469			10,469		10,469			10,469	
e. Revised Lease for Office Space (Line Item)										
82,992				82,992	82,992				82,992	
2. Reclamation Program (03)										
~~899,465~~	626,141	8,589,719		~~9,545,125~~	~~896,430~~	630,754	8,589,223		~~9,516,407~~	
274,691				9,490,551	270,767				9,490,744	
a. Opencut Bond Forfeiture (Line Item)										
	100,000			100,000						
b. Hard-Rock Reclamation (Line Item)										
	100,000			100,000						
c. Hard-Rock Bond Forfeiture (Line Item)										
	100,000			100,000						
d. Environmental Analysis (Line Item)										

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		3,000,000				3,000,000						
e.	Coal Bureau Workload (Line Item)											
		47,176	97,199			144,375		51,039	104,628			155,667
f.	Abandoned Mine Rent (Line Item)											
			17,784			17,784			17,784			17,784
g.	Hard-Rock Workload (Line Item)											
		123,609				123,609		116,747				116,747
h.	Coal and Uranium Rent (Line Item)											
		5,335	12,449			17,784		5,335	12,449			17,784
i.	Hard-Rock Increase (Line Item)											
		100,000				100,000		100,000				100,000
j.	Environmental Compliance (Line Item)											
		129,289				129,289		106,190				106,190
k.	SB 253 — Opencut Reclamation (Line Item)											
		15,500				15,500		15,500				15,500
3.	Land Administration Program (04)											
	~~703,122~~	255,640				~~958,762~~	~~702,276~~	255,819				~~958,095~~
	661,122					916,762	*687,276*					*943,095*
a.	Trust Land Management (Line Item)											
	90,629					90,629	115,923					115,923
b.	Cabinsite Sales (Line Item)											
		70,000				70,000						
4.	Forestry (25)											
	~~5,712,977~~	2,963,314	385,005			~~9,061,296~~	~~5,708,862~~	2,962,595	385,266			~~9,056,343~~
	5,396,740					8,745,059	5,406,382					8,754,243
a.	Federal Fire Reimbursement (Line Item)											
			~~100,000~~			~~100,000~~			~~100,000~~			~~100,000~~
			44,000			*44,000*			*44,000*			*44,000*
b.	State/County Cooperative Fire (Line Item)											
	43,040	21,517				64,557	42,670	21,333				64,003
c.	Slash Increase (Line Item)											
		31,384				31,384		31,385				31,385
d.	Urban Forestry Assistance (Line Item)											
			156,759			156,759			156,764			156,764
e.	Forest Resource Management Program (Line Item)											
			336,974			336,974			259,465			259,465
f.	Best Management Practices Audit (Line Item)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	10,000					10,000						
g.	Block 5 and Philipsburg Fire (Line Item)					101,137	68,458	34,228				102,686
	67,425	33,712										
h.	Best Management Practices Work (Line Item)					23,435	23,437					23,437
	23,435											
i.	Forestry Capital Equipment (Line Item)					142,500	100,383	42,117				142,500
	100,383	42,117										
j.	HB 731 — Streamside Management Zones (Line Item)					52,463	37,018					37,018
	52,463											
k.	*Fire Supplemental (Line Item)*					5,573,650						
	5,573,650											
Total	~~6,779,214~~	7,904,626	~~5,068,547~~	188,024		~~25,068,467~~	~~8,631,804~~	4,510,344	~~9,238,175~~	185,611		~~22,065,734~~
	14,058,213		9,752,543			31,903,406	8,231,241		9,682,175			22,609,371

The ~~$300,000~~ *$250,000* general fund appropriation in item 1b is to be used for an economic study ~~($250,000)~~ *($200,000)* of the surface uses of state lands, with emphasis on recreation uses, and for startup costs ($50,000) of the recreational access program mandated in ~~House Bill No. 778~~ *Chapter 609, Laws of 1991*. The study of recreational uses must be performed by an economist with experience in analysis of the economic value of recreation.

Items 2a through 2d, 3b, and 4f are biennial appropriations.

The department shall conduct a study of the options and methods available for allocating administrative costs to the various state special revenue funds managed by the agency. The department shall present the findings of its study to the legislative finance committee by July 1, 1992, along with its recommendation, affected accounts, and any required statute changes.

Item 2i contains $100,000 a year for the hard-rock increase modification. ~~This appropriation is contingent on enactment of House Bill No. 448.~~

The legislature recommends that the board of land commissioners amend its cabinsite rules to require lessees who apply for sale of their cabinsites to reimburse the department for all expenses it incurs in processing the sale applications.

Item 2k grants spending authority to implement ~~Senate Bill No. 253 and is contingent on passage and approval of Senate Bill No. 253~~ *Chapter 431, Laws of 1991*.

Item 4 contains $24,400 a year from the general fund to provide training and materials on best management practices to loggers and forest landowners. If federal funds are received for this purpose, the general fund appropriation must be reduced by a like amount.

Item 4d contains $173,100 a year of federal funds for the urban forestry assistance program. The department shall emphasize replacing dead, diseased, and infected trees in Montana communities. Replacement trees that are adapted to and will survive in Montana must be used.

Item 4f contains $10,000 in fiscal 1992 as a biennial appropriation to coordinate and conduct, in consultation with the environmental quality council, audits of the application and effectiveness of voluntary best management practices for timber sales.

~~Item 4j is contingent on passage and approval of House Bill No. 731.~~

Federal fire reimbursement funds are those funds received for expenses incurred from loaning department personnel to federal agencies to assist in fire suppression activities. Only those federal funds received as reimbursement of expenses credited against the department's state forestry operational budget are considered federal fire reimbursement funds. All other federal funds received must be deposited into the general fund. The department shall report federal fire reimbursement expenditures on state accounting records, and the records must be separate from current level operations.

	Fiscal 1992					Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
DEPARTMENT OF LIVESTOCK (5603)											
1. Centralized Services Program (01)											
~~62,794~~	352,967	~~18,170~~			453,931	~~62,714~~	352,623	~~18,135~~			451,472
62,794		38,170				62,714		38,135			
a. Audit (Line Item)											
3,899	16,620				20,519						
2. Diagnostic Laboratory Program (03)											
~~314,947~~	~~453,215~~				768,162	314,978	453,263				768,241
269,947	498,215										
3. Disease Control Program (04)											
	482,783				482,783		483,794				483,794
4. Milk and Egg Program (05)											
150,313		30,707			181,020	149,680		31,268			180,948
5. Inspection and Control Program (06)											
	2,095,424				2,095,424		1,981,982				1,981,982
a. Livestock Workload Increase (Line Item)											
	53,861				53,861		53,794				53,794
6. Predator Control Program (08)											
	374,162				374,162		272,266				272,266
a. Section 8 (Line Item)											
	20,000				20,000		20,000				20,000
7. Rabies Control (09)											
	15,000				15,000		15,000				15,000
8. Meat and Poultry Inspection Program (10)											
225,720		225,721			451,441	225,510		225,510			451,020
Total											
~~717,673~~	~~3,864,032~~	~~234,598~~			4,916,303	~~712,862~~	3,632,722	~~234,913~~			4,680,517
712,673	3,909,032	294,598				752,882		294,913			
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)											
1. Centralized Services (21)											
~~1,236,648~~	390,391	4,391			~~1,631,422~~	~~1,240,145~~	390,121	4,364			~~1,634,630~~
1,192,924					1,587,706	1,218,000					1,612,485
a. Audit (Line Item)											
42,617					42,617						
b. State of Montana, et al. v. United States Army Corps of Engineers, et al. (Line Item)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	25,000					25,000						
2.	Oil and Gas Regulation (22)											
		1,151,230				1,151,230		1,136,578				1,136,578
	a. Oil and Gas Environmental Impact Statement — Montana Environmental Policy Act Compliance (Line Item)											
		50,000				50,000		50,000				50,000
3.	Conservation and Resource Development Division (23)											
	~~75,935~~	~~985,621~~	54,765			~~1,116,321~~	~~76,343~~	~~987,190~~	54,782			~~1,118,315~~
	299	1,052,194				1,107,258	2,079	1,053,717				1,110,578
	a. Statewide Resource Conservation and Development Coordinator (Line Item)											
	14,470		14,471			28,941	14,438		14,438			28,876
	b. Statewide Resource Conservation and Development Operating Expenses (Line Item)											
	19,887		19,887			39,774						
	~~c. HB 705 — Montana Community Infrastructure Program (Line Item)~~											
	~~20,000~~					~~20,000~~	~~20,000~~					~~20,000~~
	d c. HB 701 — Implementation of Clean Coal Technology Project (Line Item)											
		20,000				20,000						
	e d. Pay Exceptions (Line Item)											
		8,361				8,361		8,106				8,106
4.	Water Resources and Planning (24)											
	~~2,555,344~~	~~2,011,436~~	~~51,316~~			~~4,618,196~~	~~2,648,521~~	~~2,011,112~~	51,022			~~4,610,655~~
	2,214,949	2,228,436	81,316			4,524,701	2,339,042	2,091,112				4,481,176
	a. Broadwater Equipment (Line Item)											
		136,000				136,000						
	b. Rehabilitation of State-Owned Water Projects (Line Item)											
		~~891,000~~				~~891,000~~						
		891,000				891,000						
	c. Poplar River Monitoring (Line Item)											
		33,050				33,050		33,750				33,750
	d. Middle Creek Dam (Line Item)											
			1,896,925			1,896,925						
	e. Smith River (Line Item)											
			1,600,000			1,600,000						
	f. Tongue River (Line Item)											
		400,000	1,600,000			2,000,000						
	g. Missouri Basin Reservation (Line Item)											
		82,505				82,505		82,317				82,317
	h. Missouri River Operating Expenses (Line Item)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		~~235,343~~				~~235,343~~						
		288,743				*288,743*						
i.	Hydrologist Pay Exceptions (Line Item)											
		71,113				71,113		71,113				71,113
j.	Pay Exceptions (Line Item)											
	27,374	90,736				118,110	27,374	90,736				118,110
k.	*Treasure State Endowment — HB 19*											
							20,000					*20,000*
5.	Reserved Water Rights Compact Commission (25)											
	~~150,817~~	283,447				~~434,164~~	150,119	282,652				432,771
	123,948					*407,395*						
a.	Pay Exceptions (Line Item)											
	3,948	7,331				11,279	3,936	7,311				11,247
b.	Hydrologist Pay Exceptions (Line Item)											
		11,440				11,440		11,410				11,410
6.	Energy Planning (26)											
	~~406,183~~	~~1,449,735~~	1,093,701			~~2,829,619~~	~~488,280~~	~~1,245,760~~	1,095,275			~~2,832,435~~
	444,452	*1,268,725*				*2,806,878*	*444,825*	*1,288,920*				*2,829,020*
a.	Rock Creek Mitigation (Line Item)											
		400,000				400,000						
b.	Lake Broadview (Line Item)											
		30,000				30,000						
c.	Energy Conservation (Line Item)											
			107,000			107,000			334,500			334,500
d.	Pay Exceptions (Line Item)											
	10,349	1,150				11,499	10,042	1,117				11,159
Total												
	~~4,648,968~~	~~8,979,329~~	~~8,442,456~~			~~22,070,753~~	~~4,559,198~~	~~6,412,433~~	1,554,381			~~12,526,012~~
	4,120,217	*9,095,852*	*8,472,456*			*21,688,525*	*4,229,855*	*6,598,960*				*12,383,196*

Items 1b, 3b, ~~3d~~ 3c, 4a, 4b, 4d through 4f, 4h, 6a, and 6b are biennial appropriations.

All indirect charges collected on oil overcharge funds are appropriated for transfer to the general fund.

Included in centralized services funding is $10,000 a year of indirect funds from major facility siting fees. If major facility siting activities generate more than $20,000 of indirect funds over the biennium, the additional major facility siting fee indirect funds must be used to fund centralized service operations and an equal amount of centralized service division general fund money must be reverted.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

The board of oil and gas conservation is appropriated $110,000 a year from federal special revenue, contingent upon receiving federal funds from the environmental protection agency for the underground injection control program.

The department is authorized up to $700,000 from the account established in 76-14-112 for rangeland loans during the 1993 biennium.

The department is appropriated up to $1 million over the biennium from the account established in 85-1-604 for purchase of prior liens on property held as loan security as required by 85-1-618.

All funds deposited into the state special revenue account established in 76-15-530 are appropriated to the department for distribution as grants to conservation districts.

The general fund appropriation in items 3a and 3b may be expended only as a match for an equal amount of federal funds.

~~Item 3c is contingent on passage and approval of House Bill No. 785.~~

~~Item 3d is contingent on passage and approval of House Bill No. 701.~~

Funds appropriated in item 4a must be used to repair and replace equipment at the Broadwater hydropower project and to service the Broadwater hydropower project bond debt if revenue deposited in the debt service account is insufficient for this purpose.

Item 4k is to implement House Bill No. 19 and is contingent on passage of House Bill No. 19 and on electoral approval.

Funds received under the provisions of 85-1-514(4) are appropriated to the department for the purpose of performing duties required under 85-1-514.

Any revenue collected in the state water project hydroelectric power generation special revenue account established in ~~House Bill No. 586~~ *Chapter 370, Laws of 1991,* is appropriated to the department for the rehabilitation of the Tongue River dam. The revenue will be used only if federal authorization for the project rehabilitation is secured.

Any fines collected under the provisions of Title 85, chapter 2, and deposited in the water right appropriation account in accordance with 85-2-318 are appropriated to the department to carry out the enforcement functions required under 85-2-114.

Funds received from bonds required by 37-43-306 are appropriated to the department for the purpose of performing remedial action on water wells, providing compensation for damages caused by water well violations, or paying administrative costs incurred by the board of water well contractors.

In spending eligible federal energy funds appropriated in item 6, the department shall give priority to developing a self-sustaining program for retrofitting school buildings with energy conservation measures that is similar to the state building energy conservation program established by Title 90, chapter 4, part 6, for state buildings. The department shall submit to the 53rd legislature proposed legislation necessary to implement the school building energy conservation program.

The department is appropriated up to $700,000 from the Rock Creek mitigation special account in addition to the $400,000 appropriated in item 6a. The total appropriation for item 6a may not exceed $1,100,000 over the biennium.

The department may not reduce general fund appropriations for the statewide resource conservation and development coordinator or the statewide resource conservation and development operating expenses as shown in items 3a and 3b.

DEPARTMENT OF AGRICULTURE (6201)

1.	Centralized Services Division (15)											
	175,911	188,091	24,504	11,509	422,015	177,241	188,060	24,448		33,443	423,192	
	a. Audit (Line Item)											
	26,733				26,733							
2.	State Grain Laboratory (25)											
	458,676				458,676		460,209				460,209	

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Grain Laboratory Increase (Line Item)		61,804				61,804		41,772				41,772
3. Environmental Management Division (30)												
	~~304,776~~	1,863,365	257,774			~~2,425,935~~	~~181,644~~	1,986,743	257,776			~~2,426,163~~
	224,622					*2,345,761*	*111,959*					*2,356,478*
a. Pesticide Program Workload (Line Item)		57,086				57,086		58,962				58,962
b. Ground Water Program Workload (Line Item)		224,295	68,515			292,810		220,278	68,437			288,715
4. Plant Industry Division (40)												
	448,926	143,851	9,144	11,198		613,119	443,564	146,063	9,189	11,251		610,067
5. Agricultural Development (50)												
	~~235,410~~	1,751,048	82,696		251,536	~~2,320,710~~	~~130,803~~	1,755,791	83,491		252,580	~~2,322,665~~
	215,674					*2,300,954*	*210,854*					*2,302,716*
Total												
	~~1,191,796~~	4,748,216	442,633	11,198	285,045	~~6,678,888~~	~~1,033,252~~	4,857,878	443,341	11,251	286,023	~~6,631,745~~
	1,091,866					*6,578,958*	*943,618*					*6,542,111*

~~If House Bill No. 964 is not passed and approved, the general fund appropriation in item 3 is increased by $388,274 in fiscal 1992 and state special revenue is decreased by $388,274 in fiscal 1992, and general fund is increased by $515,919 in fiscal 1993 and state special revenue is decreased by $515,919 in fiscal 1993.~~

Item 3a contains $58,361 in fiscal 1992 and $60,281 in fiscal 1993 for an increase in the pesticide program. Item 3b contains $294,883 in fiscal 1992 and $291,090 in fiscal 1993 for an increase in the ground water program. ~~These appropriations are contingent on enactment of House Bill No. 964.~~

The department is authorized to make grants to state agencies from the growth through agriculture account, as approved by the Montana agriculture development council in accordance with Title 90, chapter 9. The state agency that receives a grant from the Montana agriculture development council is authorized additional appropriation authority equal to the grant amount.

The department shall report to the legislative finance committee during fiscal 1992 on the feasibility of the department selling its portfolio of rural assistance program loans to the board of investments, thus enabling it to increase its loan capability.

DEPARTMENT OF COMMERCE (6501)

1. Public Safety Division (01)												
		70,842		65,338		136,180		70,841		65,250		136,091
a. Audit (Line Item)												
				464		464						
2. Weights and Measures Bureau (02)												
	~~431,469~~					~~431,469~~	~~408,933~~					~~408,933~~
	427,469					*427,469*	*406,477*					*406,477*
a. Audit (Line Item)												

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	1,394					1,394						
b.	Equipment Replacement (Line Item)											
	59,386					59,386	~~24,353~~					~~24,353~~
							15,000					15,000
3.	Financial Division (36)											
		821,173				821,173		821,241				821,241
a.	Audit (Line Item)											
		2,434				2,434						
b.	Bank Analysis Computers (Line Item)											
		27,773				27,773		4,450				4,450
4.	Milk Control Bureau (37)											
		283,503				283,503		284,272				284,272
a.	Audit (Line Item)											
		835				835						
5.	Professional and Occupational Licensing Bureau (39)											
		2,047,292		859,146		2,906,438		2,028,181		858,739		2,886,920
a.	Audit (Line Item)											
				7,703		7,703						
b.	Impairment Program — Dentists (Line Item)											
		25,000				25,000		25,000				25,000
c.	Miscellaneous Legislation (Line Item)											
		191,641		73,818		265,459		160,482		62,845		223,327
6.	Aeronautics Division (40)											
		599,341	73,599	63,713		736,653		600,391	73,592	63,653		737,636
a.	Audit (Line Item)											
		1,912		144		2,056						
b.	West Yellowstone Airport (Line Item)											
				17,000		17,000						
7.	Transportation Division (50)											
	~~404,050~~	62,102	879,734			~~1,345,886~~	~~424,423~~	71,250	850,835			~~1,294,512~~
	170,761					1,312,597	341,074					1,263,159
a.	Audit (Line Item)											
	1,466		978			2,444						
b.	McCarty Farms (Line Item)											
	~~100,000~~					~~100,000~~						
	165,483					165,483						
c.	Local Rail Assistance Grant (Line Item)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			500,000			500,000						
d.	Construction Loan Fund (Line Item)											
		1,800,000				1,800,000						
8.	Business Development Division (51)											
	~~761,808~~	347,062	2,192,329			~~3,301,299~~	~~708,868~~	347,065	2,192,326			~~3,248,259~~
	727,808					3,267,179	708,868					3,248,259
a.	Audit (Line Item)											
	2,633		1,316			3,949						
b.	Business Development Division (Line Item)											
		35,000				35,000		35,000				35,000
c.	Defense Logistics Agency Contract (Line Item)											
		~~48,849~~ 48,841	110,760			159,599		48,841	110,768			159,609
d.	EDA/CDBG Revolving Fund (Line Item)											
			168,922			168,922			169,926			169,926
e.	Canadian Trade Office (Line Item)											
	14,816	55,000				69,816	14,741	55,000				69,741
f.	International Affairs Coordinator (Line Item)											
	~~38,793~~	~~14,581~~				53,540	~~38,788~~	~~14,582~~				53,544
	0	53,540					0	53,544				
g.	Small Business Development Centers Expansion (Line Item)											
			75,000			75,000			100,000			100,000
h.	General Revision of Montana Capital Company Act — HB 901 (Line Item)											
		42,385				42,385		39,385				39,385
9.	Montana Promotion Division (52)											
		4,752,177				4,752,177		4,757,953				4,757,953
a.	Audit (Line Item)											
		11,283				11,283						
b.	Montana Promotional Division (Line Item)											
		1,034,028				1,034,028		1,352,234				1,352,234
10.	Community Development Bureau (60)											
	220,058	~~2,795,421~~	20,099,524			~~23,115,075~~	219,837	~~2,796,739~~	20,110,416			~~23,126,642~~
		2,295,493				22,615,075		1,160,916				21,491,169
a.	Audit (Line Item)											
	1,881	2,794	12,748			17,423						
b.	Section 8 Grant Increase (Line Item)											
			1,000,390			1,000,390			1,000,390			1,000,390
c.	*Treasure State Endowment — HB 19*											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
							35,000					35,000
11.	Office of Research and Information Services (61)											
	296,192					296,192	~~294,276~~					~~294,276~~
							282,276					282,276
	a. Audit (Line Item)											
	[illegible]					874						
	b. Automation of Census (Line Item)											
	~~63,061~~					~~63,061~~	~~52,266~~					~~52,266~~
	58,061					58,061	37,266					37,266
12.	Local Government Services — Audit (62)											
	~~89,770~~			1,101,410		~~1,191,180~~	~~89,737~~			1,101,007		~~1,190,744~~
	86,770					1,188,180	86,737					1,187,744
	a. Audit (Line Item)											
				3,244		3,244						
	b. Local Government Services Peer Review (Line Item)											
				10,000		10,000						
	c. Single Audit Act — HB 328 (Line Item)											
				143,137		143,137				144,859		144,859
13.	Local Government Services — Systems (63)											
	~~52,741~~			186,588		~~239,329~~	~~52,605~~			186,329		~~238,934~~
	49,741					236,329	49,605					235,934
	a. Audit (Line Item)											
				818		818						
14.	Local Government Assistance — Administration (64)											
				115,466		115,466				115,810		115,810
	a. Audit (Line Item)											
				302		302						
15.	Building Codes Bureau (65)											
	30,058		1,220,487			1,250,545	30,016	1,220,959				1,250,975
	a. Audit (Line Item)											
	125		1,625			3,750						
	b. Vehicle Replacement (Line Item)											
			191,424			191,424						
16.	Indian Affairs Coordinator (70)											
	~~100,398~~					~~100,398~~	~~100,457~~					~~100,457~~
	98,398					98,198	98,457					98,457
	a. Audit (Line Item)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		278				278						
b.	EEO Grant — Indian Affairs (Line Item)											
			97,536			97,536			96,992			96,992
17.	Health Facilities Authority (71)											
				116,141		116,141				116,093		116,093
a.	Audit (Line Item)											
				6,100		6,100						
18.	Montana Science and Technology Alliance (73)											
	~~476,350~~					~~476,350~~	~~484,420~~					~~484,420~~
	398,556					398,556	409,420					409,420
a.	Audit (Line Item)											
	10,658					10,658						
b.	R & D Loans — SB 242 (Line Item)											
	50,000					50,000	50,000					50,000
19.	Board of Housing (74)											
				1,972,226		1,972,226				1,965,745		1,965,745
a.	Audit (Line Item)											
				57,095		57,095						
20.	Investments Division (75)											
				1,544,640		1,544,640				1,544,164		1,544,164
a.	Audit (Line Item)											
				104,059		104,059						
b.	Additional FTE BOI/HFA Bond (Line Item)											
				21,658		21,658				21,609		21,609
c.	Investment Portfolio Managers (Line Item)											
				46,179		46,179				92,367		92,367
21.	Montana State Lottery (77)											
				3,004,658		3,004,658				3,007,793		3,007,793
a.	Audit (Line Item)											
				132,861		132,861						
b.	Montana Lottery (Line Item)											
				3,466,783		3,466,783				3,275,782		3,275,782
c.	Lottery Vehicles (Line Item)											
										55,500		55,500
22.	Board of Horseracing (78)											
		302,171				302,171		302,820				302,820
a.	Audit (Line Item)											
		944				944						

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
23.	Director/Management Services (81)											
	103,705			749,470		853,175	103,820			748,881		852,701
	a. Audit (Line Item)											
	299			78,920		79,219						
24.	*Budget Reduction*											
	16,333					16,333	54,667					54,667
Total												
	~~1,992,537~~	~~16,791,141~~	25,212,836	13,949,081		~~57,945,595~~	~~3,100,175~~	~~15,446,226~~	24,705,245	13,426,426		~~56,168,072~~
	3,160,537	16,330,100				58,652,554	2,833,927	13,439,825				54,405,423

Item 5 contains $3,000 in fiscal 1992 and $2,000 in fiscal 1993 for the board of dentistry to implement mandatory continuing professional education requirements for dentists and dental hygienists.

Item 6 contains $33,176 in fiscal 1992 and $33,226 in fiscal 1993. These amounts are not to be used for moving costs associated with the department of transportation ~~if Senate Bill No. 164 is enacted~~.

~~If Senate Bill No. 164 is enacted, item~~ *Item* 7 contains $31,081 from the general fund and $20,721 from federal funds in fiscal 1992 for moving costs associated with the department of transportation.

Item 7b is for litigation costs associated with the McCarty Farms case. The department shall seek to recover all general fund expenditures plus interest at a rate of 10% from any settlement in this case.

Items 7b through 7d are biennial appropriations.

Item 8c contains ~~$144,000~~ *$110,760* a year of federal funds to provide assistance for small businesses in contracting with the federal government. General fund money may not be used in place of these federal funds.

The department is authorized to seek and expend private or other funds to replace $77,921 of state special revenue included in item 8f. If the department is successful in securing private or other funds, the accommodations tax state special revenue account appropriation is reduced by $38,959 in fiscal 1992 and $38,962 in fiscal 1993.

~~Item 8h is contingent on passage and approval of House Bill No. 901.~~

Item 10c is to implement House Bill No. 19 and is contingent on passage of House Bill No. 19 and on electoral approval.

Item 11b contains ~~$64,264~~ *$58,061* in fiscal 1992 and ~~$53,466~~ *$37,266* in fiscal 1993 for automation of census data. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.

~~Item 18b is contingent on passage and approval of Senate Bill No. 242.~~

All revenue deposited in the science and technology development special revenue account, as established in 90-3-305, is appropriated to the Montana board of science and technology development.

In eliminating the certified communities program, the business development division may retain the 1.0 FTE associated with that program.

TOTAL SECTION C												
	~~$17,510,000~~	~~$49,007,262~~	~~$55,052,215~~	16,566,498	303,645	~~138,439,620~~	~~20,428,304~~	~~54,440,522~~	~~46,729,571~~	16,051,177	286,023	~~138,094,646~~
	25,629,088	65,007,262	55,052,215			182,558,708	19,328,878	53,112,698	46,729,571			135,508,347

	Fiscal 1992						Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
					D. INSTITUTIONS AND CULTURAL EDUCATION							
MONTANA ARTS COUNCIL (5114)												
1. Promotion of the Arts (01)												
~~121,729~~	116,778	198,277			~~436,784~~		~~121,921~~	~~116,771~~	198,253			~~436,945~~
115,869					430,924		11,558	220,636				430,447
a. Audit (Line Item)												
15,784					15,784							
b. Federal Grants — Biennial (Line Item)												
		307,470			307,470							
c. Federal Grants — Biennial (Line Item)												
		35,000			35,000							
d. Federal Grants (Line Item)												
		11,535			11,535				11,535			11,535
e. Federal Grants — Biennial (Line Item)												
		231,130			231,130							
Total												
~~139,513~~	116,778	783,412			~~1,039,740~~		~~121,921~~	~~116,771~~	209,788			~~448,480~~
131,653					1,031,843		11,558	220,636				441,982

Items 1b, 1c, and 1e (federal grants awarded to local communities and schools) are biennial appropriations.

LIBRARY COMMISSION (5115)

1. State Library Operations (01)											
~~956,628~~	157,431	363,927			~~1,477,986~~		~~970,939~~	153,905	368,406		~~1,493,250~~
895,977					1,417,335		939,658				1,461,969
a. Audit (Line Item)											
15,784					15,784						
b. Federal Grants — Biennial (Line Item)											
		1,286,476			1,286,476						
c. Blind and Physically Handicapped — FTE and Associated Equipment (Line Item)											
22,319					22,319		19,097				19,097
d. Library of Congress Dues (Line Item)											
1,500					1,500		3,000				3,000
e. Local Library Assistance — Biennial (Line Item)											
~~258,621~~					~~258,621~~						
194,664					194,664						

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
f. Western Library Network Equipment (Line Item)		10,000				10,000						
2. Natural Resource Information Services (07)		236,442	14,871			251,313		236,440	14,871			251,311
a. Contract Authority — Biennial (Line Item)			650,000			650,000						
Total	~~1,254,844~~	403,873	2,315,274			~~1,973,991~~	~~973,035~~	390,345	383,277			~~1,746,658~~
	1,130,244					3,849,391	961,755					1,735,377

Item 1b (federal grants for local libraries) is a biennial appropriation.

Item 1d (appropriation for library of congress dues) may not be included in the current level base in the agency budget request for the 1995 biennium.

Item 1e (general fund state aid to local libraries) is a biennial appropriation.

In the event coal severance tax allocated to the state library under 15-35-108(3)(f) exceeds the amounts appropriated to the state library for fiscal 1992 and fiscal 1993, the additional funds are appropriated to the state library commission for pass-through to the library federations.

The biennial appropriation for the legislative contract authority in item 2a is subject to the following provisions:

(1) Legislative contract authority applies only to federal and private funds.

(2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations.

(3) A report must be submitted by the library commission to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.

HISTORICAL SOCIETY (5117)

1. Administration Program (01)	~~462,772~~	82,762	33,392			~~578,926~~	~~465,061~~	82,233	33,383			~~580,677~~
	478,737					594,891	481,242					96,858
a. Audit (Line Item)	16,707					16,707						
b. Trustees' Reimbursement (Line Item)	7,654					7,654	7,654					7,654
c. Capitol Tour Guides (Line Item)	~~20,000~~					~~20,000~~	~~20,000~~					~~20,000~~
	22,105					22,105	22,816					22,816
2. Library Program (02)	~~446,844~~	~~20,000~~				~~466,844~~	~~446,844~~	~~20,000~~				~~466,844~~

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	396,256	2,148		27,588		425,992	396,300	1,559		28,316		426,175
3.	Museum Program (03)											
	~~210,130~~	~~23,608~~				~~233,738~~	~~210,174~~	~~24,608~~				~~234,782~~
	193,340	19,487		4,121		216,948	187,385	19,487		4,121		210,993
	a. Electronic Security (Line Item)											
	~~30,000~~					~~30,000~~						
	5,000					5,000						
4.	Publication Program (04)											
	48,135			472,778		520,913	48,134			475,867		524,001
	a. Audit (Line Item)											
				1,374		1,374						
	b. Merchandise Authority (Line Item)											
				30,000		30,000				30,000		30,000
	c. Milwaukee Mitigation (Line Item)											
			13,500			13,500						
5.	Historical Sites Preservation (06)											
	~~72,069~~		~~565,233~~			637,302	~~72,211~~		~~505,717~~			637,928
	65,551		571,751				63,717		574,211			
	a. Audit (Line Item)											
	768		4,038			4,806						
	b. Computers — Federal (Line Item)											
			11,400			11,400						
Total												
	~~1,272,870~~	~~136,196~~	~~627,563~~	~~504,152~~		~~2,540,899~~	~~1,227,647~~	~~115,714~~	~~599,180~~	~~505,867~~		~~2,468,330~~
	1,234,253	104,397	634,081	535,861		2,508,592	1,207,248	103,279	607,594	538,304		2,456,425

~~The Montana historical society has submitted for review plans for up to $95,000 in private funds for the 1993 biennium. The Montana historical society is to present a summary report to its appropriations subcommittee during the 1993 legislature that lists the projects funded with these private funds and the expenditures for each project. These funds are not subject to appropriation and are not included in the above totals. This language is contingent upon passage of House Bill No. 45.~~

In item 1, $16,221 in fiscal 1992 and $16,181 in fiscal 1993 are to offset vacancy savings that will revert to the general fund if not needed to pay personnel costs during the biennium. The agency has the authority to move these funds between programs by transfer to meet the expenses experienced.

The proprietary authority for a statutorily required transfer of general fund money in the magazine program must be increased by the same amount as the pay plan increase for FTEs supported by the general fund.

~~Item 1c is contingent on the failure of Senate Bill No. 411.~~

~~The amendment made to item 3 that struck $219,191 and $219,078 is contingent on the failure of Senate Bill No. 411.~~

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
DEPARTMENT OF ~~INSTITUTIONS~~ *CORRECTIONS AND HUMAN SERVICES* (6401)												
1.	Central Operations Division (10)											
	~~1,563,284~~					~~1,563,284~~	~~1,562,953~~					~~1,562,953~~
	1,520,604					1,520,604	1,546,713					1,546,713
	a. Audit (Line Item)											
	123,438	41,150	8,512	6,838		179,938						
	~~b. Special Services (Line Item)~~											
	~~32,500~~					~~32,500~~	~~32,500~~					~~32,500~~
	0					*0*	*0*					*0*
	e *b.* Board of Pardons Staff (Line Item)											
	30,995					30,995	26,910					26,910
	d *c.* Information System Enhancement (Line Item)											
	130,665					130,665	128,024					128,024
2.	Corrections Division (20)											
	~~21,404,764~~	1,302,651	155,023	3,077,232		~~25,881,667~~	~~21,188,631~~	1,303,227	155,056	3,080,854		~~25,727,770~~
	21,234,267					25,769,173	20,927,059					25,466,196
	a. Corrections Medical (Line Item)											
	1,869,975					1,869,975						
	b. Staffing for Additional Capacity (Line Item)											
	560,823					560,823	759,892					759,892
	~~c. Jail Payments — Parole Violators (Line Item)~~											
	~~66,120~~					~~66,120~~	~~66,120~~					~~66,120~~
	0					*0*	*0*					*0*
	d *c.* Operating Cost Increases (Line Item)											
	80,663					80,663	80,663					80,663
	e *d.* SRFC Chemical Dependency (Line Item)											
	38,[illegible]					38,350		38,282				38,282
	f *e.* Female Population Increase (Line Item)											
	77,058					77,058	99,214					99,214
	g *f.* WCC Additional Staff (Line Item)											
	43,306					43,306	43,034					43,034
	h *g.* Local Jurisdiction Sentencing (Line Item)											
	~~17,302~~	17,264				~~34,566~~	17,101	17,265				34,566
	0					17,264						
	i *h.* Prerelease Expansion (Line Item)											
	~~358,145~~					~~358,145~~	358,145					358,145

Fiscal 1992						Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
72,240					*72,240*						
j i. House Arrest (Line Item)											
~~45,000~~					~~45,000~~	45,000					45,000
0					*0*						
k *j.* Great Falls ISP (Line Item)											
~~124,739~~					~~124,739~~	70,600					70,600
105,597					*105,597*						
l *k.* Probation and Parole Officer Increase (Line Item)											
~~131,201~~					~~131,201~~	134,526					134,526
95,930					*95,930*						
m *l.* Jail — Graduated Sanctions (Line Item)											
~~66,120~~					~~66,120~~	66,120					66,120
0					*0*						
n *m.* Targeted Case Managers (Line Item)											
54,244					54,244	54,128					54,128
o *n.* BLSC Operating Increases (Line Item)											
3,110					3,110	3,110					3,110
p *o.* New Women's Prerelease Center (Line Item)											
~~278,119~~					~~278,119~~	237,043					237,043
40,740					*40,740*						
q *p.* Community Prerelease Provider Increases (Line Item)											
27,132					27,132	54,807					54,807
~~r. Peace Officer Training (Line Item)~~											
~~12,200~~					~~12,200~~	~~5,200~~					~~5,200~~
0					*0*	*0*					*0*
q. Gallehon Turner Trial (Line Item)											
75,000					*75,000*						
r. Maximum Disturbance Legal Costs (Line Item)											
25,000					*25,000*						
s. Reception Overflow (Line Item)											
41,000					*41,000*						
t. Food Costs (Line Item)											
78,782					*78,782*						
u. Jail Payments — Parole Violators (Line Item)											
66,120					*66,120*	*66,120*					*66,120*
3. Mental Health Division (30)											
~~29,395,013~~	~~725,403~~	1,021,946			~~31,142,362~~	~~29,638,062~~	~~736,549~~	1,021,947			~~31,396,598~~

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	29,460,517	742,323				31,224,786	29,919,438	753,509				31,694,894
a.	Child and Adolescent Service System Program (Line Item)											
		13,405				13,405						
b.	Federal Data Grant (Line Item)											
		107,100				107,100			26,775			26,775
c.	Service Provider Increases (Line Item)											
	106,381					106,381	214,889					214,889
d.	CFA Additional Staff (Line Item)											
	36,100					36,100	36,100					36,100
e.	Homeless Block Grants (Line Item)											
		275,000				275,000			275,000			275,000
f.	HB 93 — Utilization Fee on Nursing Facilities (Line Item)											
	32,370					32,370	64,740					64,740
4.	Chemical Dependency Division (40)											
	[illegible]	1,556,082	2,032,317			[illegible]	[illegible]	1,544,395	2,032,298			[illegible]
	226,877					3,815,276	226,877					3,803,570
a.	Alternative Chemical Dependency Services (Line Item)											
		20,817				20,817			41,666			41,666
b.	Community Youth Activity-2 (Line Item)											
		507,276				507,276			15,610			15,610
c.	Chemical Dependency Data Grant (Line Item)											
		65,788				65,788			16,447			16,447
d.	HB 93 — Utilization Fee on Nursing Facilities (Line Item)											
	16,612					16,612	33,224					33,224
5.	Developmental Disability Division (50)											
	[illegible]	30,227	13,356			[illegible]	[illegible]	30,251	2,440			[illegible]
	11,724,386					13,767,969	12,753,705					12,786,396
a.	MDC ICF/MR Certification (Line Item)											
	89,278					89,278	45,633					45,633
b.	Eastmont ICF/MR Certification (Line Item)											
	136,720					136,720	137,102					137,102
6.	Veterans' Nursing Home Division (60)											
	[illegible]	[illegible]	[illegible]			[illegible]	[illegible]	[illegible]	[illegible]			[illegible]
	587,117	1,221,606	851,428			2,662,151	578,781	1,259,167	855,109			2,693,057
a.	HB 93 — Utilization Fee on Nursing Facilities (Line Item)											
	30,200					30,200	60,400					60,400

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total	~~[illegible]~~	~~[illegible]~~	~~[illegible]~~	3,084,070		~~[illegible]~~	~~[illegible]~~	~~[illegible]~~	~~[illegible]~~	3,080,854		~~[illegible]~~
	70,803,267	4,951,653	5,071,948			83,910,938	68,789,298	4,946,096	4,442,348			81,258,596

Contracts negotiated or renegotiated by the department may not extend beyond the end of the 1993 biennium unless they contain the clause "subject to legislative appropriation of funds for this contract".

If the department is unable to recruit and hire professional positions funded in the appropriation and required for patient treatment and/or certification, it may transfer up to 100% of the aggregate personal services cost of each class of vacant position or the cost of the required contract, whichever is less, to operating expenses for the purpose of contracting for services that would have been provided if *that* position were filled. The department shall certify to the governor or his designated representative that:

(1) the department is unable to fill the position or positions; and

(2) the services that would be provided by that position if filled and by the proposed contract are necessary for either federal medicaid certification or the treatment requirements of its correctional institutions.

Within the industries operations in item 2, the department may submit budget amendments to hire 1 FTE marketing representative, 2 FTE shop supervisors, and 1 FTE prison industries procurement coordinator if funding is available.

Within the industries training program in item 2, the department may submit budget amendments to hire 1 FTE vehicle maintenance shop supervisor if funding is available.

The department is authorized to maintain a cash balance of not more than $16,000 at the end of each fiscal year in the prison industries training proprietary account. Any funds in excess of $16,000 in the proprietary account are to offset the general fund appropriation.

Item 2a, the corrections medical budget, is a biennial appropriation.

The department shall submit budget amendments for the local jurisdiction sentencing option program in item ~~2h~~ *2g* if federal funding becomes available. The total general fund and state special fund share of the program may not exceed 50% and must revert to the respective funds to the extent that federal funding is less than $35,000.

Item ~~2i~~ *2m* contains $55,276 in fiscal 1992 and $55,158 in fiscal 1993 for two targeted case managers at the prison. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from the above items in the current level base.

~~Item 2r contains $12,200 in fiscal 1992 and $5,200 in fiscal 1993 from the general fund for peace officer training for probation and parole officers. This appropriation is contingent on passage and approval of Senate Bill No. 370.~~

Transfers may be made between line items within the mental health division and the alcohol and drug abuse division (chemical dependency) for the purpose of accurately allocating operating expenses associated with the alcohol and drug programs on the Galen campus upon approval of the governor or his designated representative.

Included in item 3 are $22,492,426 in fiscal 1992 and $22,717,860 in fiscal 1993 for the operation of Montana state hospital. Except for approved transfers to the chemical dependency division for the purpose of accurately allocating operating expenses associated with the alcohol and drug programs on the Galen campus, no more than 5% of these funds may be transferred.

In item 3, the department may transfer appropriation authority from the personal services category to the operating expense category of the mental health division budget upon approval by the governor or his designated representative for costs associated with the Ihler lawsuit and the pilot projects in Kalispell, Missoula, and Butte.

In item 3, the department may transfer appropriation authority from the personal services category to the operating expense category of the mental health division budget upon approval by the governor or his designated representative for costs, up to $1,000,000 for the 1993 biennium, associated with responding to the district court ruling on the Ihler lawsuit.

~~Items 3f, 4d, and 6a are contingent on passage and approval of House Bill No. 93.~~

	Fiscal 1992					Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

Included in the appropriation for the Montana state hospital chemical dependency program within item 4 are $1,408,733 in fiscal 1992 and $1,413,201 in fiscal 1993 for the operation of the Galen chemical dependency program. No more than 5% of these funds may be transferred.

The department shall continue to provide acute hospital care, intermediate nursing care, and chemical dependency services at the Montana state hospital at Warm Springs and Galen without significant changes in the program at either campus, *except for approved changes on the Warm Springs campus to implement the district court ruling on the Ihler lawsuit.*

In item 5, the department may transfer appropriation authority from the personal services category to the operating expense category of the Montana developmental center budget upon approval of the governor or his designated representative if the downsizing does not take place on schedule.

TOTAL SECTION D											
~~73,726,446~~	~~5,474,434~~	~~8,767,847~~	~~3,588,222~~		~~91,406,934~~	~~71,111,749~~	~~5,457,656~~	~~5,648,543~~	~~3,586,721~~		~~85,804,754~~
73,299,417	5,576,701	8,804,715	3,619,931		91,300,764	70,969,859	5,660,356	5,643,007	3,619,158		85,892,380

Fiscal 1992						Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

E. EDUCATION

University units are defined in ~~[section 5 of House Bill No. 454]~~ *17-7-102(16)*. For all university units, except the office of the commissioner of higher education, all funds, other than plant funds appropriated in ~~House Bill No. 5~~ *Chapter 774, Laws of 1991*, relating to long-range building, and current unrestricted operating funds, are appropriated contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The budget must contain detailed revenue and expenditures and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. All movement of funds between the current unrestricted subfund and the designated subfund account entities must be clearly identified in the state budgeting and accounting system.

Programs for the university units' budgets, except the office of the commissioner of higher education, include instruction, organized research, public service, academic support, student services, institutional support, operation and maintenance of plant, and scholarships and fellowships.

All university units, except the office of the commissioner of higher education, shall account for expenditures consistently within programs and funds across all units and shall use the national center for higher education management systems program classification structure, along with the college and university business administration (CUBA) system, as a minimum standard for achieving consistency.

Any tuition added through budget amendment in fiscal 1992 and fiscal 1993 may, in the discretion of the board of regents, be distributed among agencies of the Montana university system with the following restriction: tuitions may not be budget amended either directly or indirectly to increase the budget of the office of the commissioner of higher education.

The general fund reduction to the Montana university system is not contingent on or tied to any action concerning the operation of state liquor stores.

OFFICE OF PUBLIC INSTRUCTION (3501)

1. Administration (06)

~~3,169,983~~	~~367,521~~	~~2,719,428~~	~~812,959~~	~~7,069,891~~	~~3,149,504~~	~~367,773~~	~~2,717,688~~	~~827,731~~	~~7,062,696~~
3,540,725	*470,021*	*4,248,382*	*904,728*	*9,163,856*	*3,338,426*	*381,305*	*4,089,022*	*887,460*	*8,696,213*
a. Audit (Line Item)									
			52,087	52,087					
~~b. GAAP Accounting Standards (Line Item)~~									
~~177,824~~				~~177,824~~	~~170,558~~				~~170,558~~
~~c. Financial Management (Line Item)~~									
~~214,155~~			~~71,769~~	~~285,924~~	~~172,357~~			~~59,727~~	~~232,084~~
~~d. Resource Center Funds (Line Item)~~									
	~~8,000~~			~~8,000~~					
~~e. Distribution of Migrant Grants (Line Item)~~									
		~~320,000~~		~~320,000~~			~~320,000~~		~~320,000~~
~~f. Indian Education (Line Item)~~									
~~24,071~~				~~24,071~~	~~23,997~~				~~23,997~~
~~g. Audiology — Biennial (Line Item)~~									
~~136,000~~	~~82,000~~			~~218,000~~					
~~h. Other Federal Funds (Line Item)~~									
		~~291,302~~		~~291,302~~			~~93,709~~		~~93,709~~
~~i. Education of the Handicapped — Part B Administration Set-Aside (Line Item)~~									
		~~300,000~~		~~300,000~~			~~342,000~~		~~342,000~~

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
j. Race Equity (Line Item)												
	~~25,000~~					~~25,000~~			~~25,000~~			~~25,000~~
k. Nutrition Education and Training Grant (Line Item)												
	~~12,500~~					~~12,500~~			~~12,500~~			~~12,500~~
l. AIDS Education (Line Item)												
	~~98,104~~					~~98,104~~			~~98,104~~			~~98,104~~
m. Drug Free Schools and Communities (Line Item)												
	~~141,514~~					~~141,514~~			~~141,514~~			~~141,514~~
n. Chapter 1 Program Improvements (Line Item)												
	~~50,000~~					~~50,000~~			~~50,000~~			~~50,000~~
o. ESEA Chapter 2 Program (Line Item)												
	~~141,643~~					~~141,643~~			~~141,643~~			~~141,643~~
p. Expanded Co-op Food Purchase (Line Item)												
	~~12,500~~					~~12,500~~		~~11,512~~				~~11,512~~
q. Bilingual Grant (Line Item)												
	~~74,624~~					~~74,624~~			~~74,624~~			~~74,624~~
r. National Bicentennial Compact (Line Item)												
	~~7,500~~					~~7,500~~			~~7,500~~			~~7,500~~
s. Court Ordered Attorney Fees — Ridgeway (Line Item)												
	~~11,000~~					~~11,000~~						
t. Jobs for Montana Graduates (Line Item)												
	~~176,512~~					~~176,512~~			~~174,485~~			~~174,485~~
2. Distribution to Schools (09)												
a. Special Education (Line Item)												
32,845,797						32,845,797	32,845,797					32,845,797
b. Special Education Contingency — Biennial (Line Item)												
~~2,031,163~~						~~2,031,163~~						
2,031,163						2,031,163						
c. Transportation (Line Item)												
6,483,128		3,908,158				10,391,286	6,493,558	3,914,457				10,408,015
d. School Lunch (Line Item)												
539,197						539,197	539,197					539,197
e. Gifted and Talented (Line Item)												
~~276,000~~						~~276,000~~	~~276,000~~					~~276,000~~
276,000						276,000	276,000					276,000
f. Secondary Vocational Education — Biennial (Line Item)												
~~1,000,000~~						~~1,000,000~~						

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	1,656,000					1,656,000						
g.	Adult Education (Line Item)											
	250,000					250,000	250,000					250,000
h.	Impact Aid (Line Item)											
	~~5,000~~					~~5,000~~	~~5,000~~					~~5,000~~
	4,6[illegible]					4,600	4,600					4,600
i.	Education of the Handicapped — Part B Biennial (Line Item)											
			1,356,000			1,356,000						
j.	Job Training Partnership Act — Biennial (Line Item)											
			1,017,200			1,017,200						
k.	Adult Basic Education — Biennial (Line Item)											
			1,198,000			1,198,000						
l.	McKinney Homeless Act — Biennial (Line Item)											
			140,400			140,400						
m.	Preschool Incentive — Biennial (Line Item)											
			230,000			230,000						
n.	Vocational Education — Biennial (Line Item)											
			5,000,000			5,000,000						
o.	English Literacy — Biennial (Line Item)											
			25,000			25,000						
p.	Education of the Handicapped — Part D Biennial (Line Item)											
			45,000			45,000						
q.	Chapter 1 — Biennial (Line Item)											
			180,000			180,000						
r.	*Section 20-9-351 Supplemental Funding — Biennial (Line Item)*											
	24,130,000					24,130,000						
Total												
	~~48,648,248~~	4,378,187	13,439,982	956,815		~~67,823,230~~	~~44,010,140~~	4,295,762	4,089,022	887,460		~~53,280,412~~
	71,816,802					90,591,786	43,807,778					53,080,022

Item 1 includes $81,564 in fiscal 1992 and $81,810 in fiscal 1993 in the state special revenue fund from the traffic safety account for motorcycle safety. ~~This appropriation is contingent upon the passage and approval of House Bill No. 763.~~

The legislature approved the addition of 0.5 FTE from the federal national origins grant and 0.5 FTE from the federal school foods grant. These funds are in item 1.

~~Item 1g is a biennial appropriation.~~ *Included in item 1 is a biennial appropriation of $136,000 from the general fund and $82,000 from the state special revenue fund for audiology services.*

The superintendent of public instruction may use any unexpended general fund appropriation, excluding item 2r, school equalization supplemental funding, in distributions to schools, program 09, to restore the appropriations for special education contingency, gifted and talented, secondary vocational education, and out-of-district placements up to but not exceeding the amount authorized by Chapter 815 and Chapter 765, Laws of 1991. Any unexpended appropriation balances in fiscal 1992 in items 2a through 2h may be carried in and expended in fiscal 1993.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

Item 2b is a biennial appropriation. This appropriation is for unforeseen expenses that may arise in special education programs in local districts. A district board of trustees may apply for an allocation from these funds by presenting to the superintendent of public instruction, for each child, a child-study (CST) report and an individual education plan (IEP) relating to this unforeseen expense or, if the need for additional personnel is due to caseload excess, a board of trustees' verification of completed IEPs and CSTs. In addition, a current listing of programs, caseloads, and related costs must be submitted. Contingency funds may be awarded for positions that have gone unfilled for an entire school year and for which regular state special education funds were not awarded. The agency may transfer any unused balance in this appropriation into the special education appropriation in item 2a.

Item 2f is a biennial appropriation.

Items 2i through 2~~t~~ 2r are biennial appropriations.

All revenue received in the state traffic education account under the provisions of 20-7-504, is appropriated as provided in Title 20, chapter 7, part 5.

BILLINGS VOCATIONAL-TECHNICAL CENTER (3511)

1.	General Operations (01,07,44)											
	1,213,990		682,386	1,896,376		1,198,920					688,861	1,887,781
	a. Audit (Line Item)											
	25,570			25,570								
2.	*Budget Reduction*											
	9,773			9,773		81,545						81,545
Total	~~1,239,563~~		682,386	~~1,921,946~~		~~1,198,920~~					688,861	~~1,887,781~~
	1,229,787			1,912,173		1,117,375						1,806,236

Total audit costs are estimated to be $28,412 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.

Item 2 reduces the Billings vocational-technical center's total general fund appropriation. The Billings vocational-technical center, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

BUTTE VOCATIONAL-TECHNICAL CENTER (3512)

1.	General Operations (01,07,44)											
	1,432,620		351,978	1,784,598		1,463,460					353,473	1,816,933
	a. Audit (Line Item)											
	26,992			26,992								
2.	*Budget Reduction*											
	11,343			11,343		87,478						87,478
Total	~~1,470,955~~		351,978	~~1,822,933~~		~~1,463,460~~					353,473	~~1,816,933~~
	1,448,269			1,800,247		1,175,982						1,729,455

Total audit costs are estimated to be $29,986 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 2 reduces the Butte vocational-technical center's total general fund appropriation. The Butte vocational-technical center, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.												
GREAT FALLS VOCATIONAL-TECHNICAL CENTER (3513)												
1. General Operations (01,07,44)												
	1,552,944				631,385	2,184,329	1,586,011				634,024	2,220,035
a. Audit (Line Item)												
	25,570					25,570						
2. *Budget Reduction*												
	12,520					*12,520*	*110,576*					*110,576*
Total												
	~~1,578,514~~				631,385	~~2,209,899~~	~~1,586,011~~				634,024	~~2,220,035~~
	1,565,994					*2,197,379*	*1,475,435*					*2,109,459*

Total audit costs are estimated to be $28,412 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.

Item 2 reduces the Great Falls vocational-technical center's total general fund appropriation. The Great Falls vocational-technical center, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

HELENA VOCATIONAL-TECHNICAL CENTER (3514)

1. General Operations (01,07,44)												
	1,998,352				549,089	2,547,441	1,948,771				551,207	2,499,978
a. Audit (Line Item)												
	26,992					26,992						
2. *Budget Reduction*												
	15,788					*15,788*	*115,834*					*115,834*
Total												
	~~2,025,344~~				549,089	~~2,574,433~~	~~1,948,771~~				551,207	~~2,499,978~~
	2,009,556					*2,558,645*	*1,832,937*					*2,384,144*

Total audit costs are estimated to be $29,990 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.

Item 2 reduces the Helena vocational-technical center's total general fund appropriation. The Helena vocational-technical center, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

MISSOULA VOCATIONAL-TECHNICAL CENTER (3515)

1. General Operations (01,07,44)												
	2,031,178				666,617	2,697,795	1,952,924				670,365	2,623,289
a. Audit (Line Item)												

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	22,728					22,728						
2.	*Budget Reduction*											
	16,101					*16,101*	*114,410*					*114,410*
Total												
	~~2,037,805~~				666,617	~~2,704,422~~	~~1,838,514~~				670,365	~~2,508,879~~
	2,037,805					*2,704,422*	*1,838,514*					*2,508,879*

Total audit costs are estimated to be $25,254 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.

Item 2 reduces the Missoula vocational-technical center's total general fund appropriation. The Missoula vocational-technical center, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

The commissioner of higher education may transfer county millage collections among the centers. Total revenue received from the 1.5-mill levy that exceeds $965,005 in fiscal 1992 and $981,480 in fiscal 1993 is appropriated to the office of the commissioner of higher education for distribution to the vocational-technical centers and ~~must result in a general fund reversion of a like amount~~ *must be added by budget amendment by the board of regents in a manner so as to offset reductions in vocational-technical center appropriations in [this act] from the levels contained in The General Appropriations Act of 1991 and acts supplementary thereto.*

It is the intent of the legislature that the board of regents have additional appropriation flexibility to operate the vocational-technical centers during the 1993 biennium. Therefore, the legislature has approved for each vocational-technical center a single appropriation for its general operations. The appropriation for each postsecondary vocational-technical center listed above is for the following programs: instruction, academic support, student services, institutional support, and operation and maintenance of plant. The vocational-technical centers are exempt from [section 2], which requires personal services line items.

It is further the intent of the legislature that all fiscal matters pertaining to the postsecondary vocational-technical centers during the 1993 biennium and the 1995 biennium budget request be recorded, maintained, and submitted, using the college and university business administration (CUBA) fund structure and functional expenditure classifications.

BOARD OF PUBLIC EDUCATION (5101)

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1.	Administration (01)											
	~~114,186~~					114,186	~~114,001~~					~~114,001~~
	107,677	*6,509*					*104,458*	*6,509*				*110,967*
	a. Audit (Line Item)											
	1,264					*1,264*						
	~~b. Board Hearing — HB 28 — Biennial (Line Item)~~											
	~~1,262~~					~~1,262~~						
	0					*0*						
2.	Advisory Council (03)											
	71,665					*71,665*		*71,527*				*71,527*
	a. Audit (Line Item)											
	1,262					*1,262*						
Total												
	~~114,188~~	~~6,509~~				~~120,697~~	~~114,001~~	~~71,527~~				~~185,528~~

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	108,941	79,436				188,377	104,458	78,036				182,494
	~~Item 1b is a biennial appropriation.~~											
COMMISSIONER OF HIGHER EDUCATION (5102)												
1. Administration Program (01)												
	864,771					864,771	853,079					853,079
a. Audit (Line Item)												
	20,519					20,519						
b. Regents Employee Reporting System (Line Item)												
	121,053					121,053	107,424					107,424
2. Student Assistance Program (02)												
	4,788,611		280,000			5,068,611	4,854,262		280,000			5,134,262
a. Increased Supplemental Educational Opportunity Grant Match (Line Item)												
	63,590					63,590	63,590					63,590
b. Increased Perkins Loan Match (Line Item)												
	36,270					36,270	36,270					36,270
c. State Work Study — Minimum Wage Increase (Line Item)												
	105,203					105,203	105,203					105,203
3. Dwight D. Eisenhower Mathematics and Science Education Act (03)												
			249,842			249,842			249,842			249,842
4. Community College Assistance (04)												
	3,785,966					3,785,966	4,215,246					4,215,246
a. Audit (Line Item)												
	29,890					29,890						
5. Montana University System Group Insurance Program (05)												
				13,760,131		13,760,131				16,044,208		16,044,208
a. Group Insurance Additional Costs (Line Item)												
				139,801		139,801				140,249		140,249
6. Talent Search (06)												
			188,829			188,829			188,315			188,315
a. Talent Search Additional Federal Funds (Line Item)												
			48,793			48,793			48,792			48,792
7. Carl D. Perkins Administration (08)												
	92,966		5,115,331			5,208,297	76,970		5,098,843			5,175,813
8. Guaranteed Student Loan Program (12)												
			1,409,410			1,409,410			1,408,634			1,408,634
a. Audit (Line Item)												
			6,630			6,630						

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b. Guaranteed Student Loan Additional Workload (Line Item)			232,694			232,694			232,691			232,691
c. Supplemental Preclaims Unit (Line Item)			43,446			43,446			43,348			43,348
9. Board of Regents — Administration (13)	32,854					32,854	32,863					32,863
10. Board of Regents Bond Payments (14)	706,255					706,255	698,153					698,153
11. Vocational-Technical Center Administration (15)	96,575					96,575	96,338					96,338
a. Vocational-Technical Center Contingency (Line Item)	150,000					150,000						
12. Budget Reduction — Commissioner of Higher Education	362,913					362,913	*153,920*					*153,920*
13. Budget Reduction — Community Colleges	*152,634*					*152,634*	*152,634*					*152,634*
14. Tuition Increase											5,178,760	5,178,760
Total	~~10,704,522~~ 10,378,976		7,574,975	13,899,932		~~32,179,429~~ 31,853,883	~~11,143,298~~ 10,832,844		7,550,465	16,184,457	5,178,760	~~34,834,120~~ 39,746,526

Item 2 includes $68,400 general fund in fiscal 1992 and $114,000 general fund in fiscal 1993 for three new medical student WICHE slots in fiscal 1992 and three continuing medical student WICHE slots and 2 new medical student WICHE slots in fiscal 1993. ~~If House Bill No. 1007 is enacted, the general fund appropriation in item 2 must be reduced by $68,400 in fiscal 1992 and $114,000 in fiscal 1993.~~

The appropriation in item 4 provides 51% and 55% of the total unrestricted budgets for the community colleges in fiscal 1992 and fiscal 1993, respectively. The total unrestricted budgets for the community colleges must be approved by the board of regents.

The general fund appropriation for each community college includes 49% of the total audit cost. The remaining 51% of these costs are to be paid from funds other than those appropriated in items 4 and 4a. Audit costs may not exceed $18,000 each for Dawson and Miles community colleges and $25,000 for Flathead Valley community college for the biennium.

Item 11a is a biennial appropriation.

Items 12 and 13 reduce the commissioner of higher education's total general fund appropriation. The commissioner of higher education, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

Item 14 is additional spending authority for tuition revenue. This tuition may, in the discretion of the board of regents, be distributed among agencies of the Montana university system with the following restriction: all tuition revenue must be distributed to agencies other than the office of the commissioner of higher education. It is the intent of the 52nd legislature that the board of regents increase total tuition and fee charges at the six university units by no more than $7 per credit hour for resident students and $47 per credit hour for nonresident students, which is the equivalent of the difference between charges at Montana state university and the university of Montana and the average of their peer institutions.

Fiscal 1992						Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
UNIVERSITY OF MONTANA (5103)											
1. Instruction (01)											
15,528,473				9,107,802	24,636,275	15,504,308				9,148,531	24,652,839
2. Organized Research (02)											
631,517					631,517	632,053					632,053
a. Bureau of Business and Economic Research (Line Item)											
30,000					30,000						
3. Public Service (03)											
306,560					306,560	426,596					426,596
4. Operation and Maintenance of Plant (07)											
5,476,334					5,476,334	5,524,124					5,524,124
5. Scholarships and Fellowships (08)											
				1,228,074	1,228,074					1,228,074	1,228,074
6. Support (44)											
6,762,601				5,342,998	12,105,599	6,777,328				5,384,625	12,161,953
a. Audit (Line Item)											
55,244					55,244						
b. Minimum Wage (Line Item)											
73,740					73,740	73,740					73,740
c. Library Books (Line Item)											
281,715					281,715						
d. Regents' Employee Reporting System (Line Item)											
25,766					25,766	25,766					25,766
7. *Budget Reduction*											
451,183					*451,183*	*2,672,011*					*2,672,011*
Total											
~~29,111,950~~				15,678,874	~~44,650,824~~	~~26,963,915~~				15,761,230	~~44,725,145~~
28,720,767					*44,399,641*	*26,291,904*					*42,053,134*

Total audit costs are estimated to be $110,488 for the biennium. Fifty percent of these costs must be paid from funds other than those appropriated in items 1 through 6.

Item 1 contains $130,000 from the general fund in fiscal 1992 and $130,000 from the general fund in fiscal 1993 for the university of Montana pharmacy school over and above the amount generated by the funding formula for the school of pharmacy. Any grant and donation made to the university of Montana for the express purpose of maintaining accreditation at the school of pharmacy may not reduce funds otherwise allocated from the current unrestricted fund. It is the intent of the legislature that the current unrestricted budget allocation by the university of Montana to the school of pharmacy not be reduced. It is the further intent of the legislature that these additional funds become part of the current level base budget for the university of Montana and be included in the 1995 biennium current level budget analysis prepared by the office of the legislative fiscal analyst and presented to the 53rd legislature.

Items 2a and 6c are biennial appropriations.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

Item 7 reduces the university of Montana's total general fund appropriation. The university of Montana, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

MONTANA STATE UNIVERSITY (5104)

1.	Instruction (01)											
	20,084,648		9,687,288			29,771,936	20,608,791				9,731,683	30,340,474
	a. Nursing											
	313,388					313,388	584,443					584,443
	b. NSF Mathematics Grant Match — Biennial (Line Item)											
	1,000,000					1,000,000						
2.	Organized Research (02)											
	594,926					594,926	594,947					594,947
3.	Public Service (03)											
	260,362					260,362	360,362					360,362
4.	Operation and Maintenance of Plant (07)											
	5,978,306					5,978,306	6,042,058					6,042,058
5.	Scholarships and Fellowships (08)											
			1,327,730			1,327,730					1,327,730	1,327,730
6.	Support (44)											
	8,014,029		5,668,827			13,702,856	8,047,841				5,715,457	13,763,798
	a. Audit (Line Item)											
	55,244					55,244						
	b. Minimum Wage (Line Item)											
	75,232					75,232	75,232					75,232
	c. Library Books (Line Item)											
	321,683					321,683						
	d. Regents' Employee Reporting System (Line Item)											
	28,580					28,580	28,580					28,580
7.	*Budget Reduction*											
	553,260					553,260	2,870,909					2,870,909
Total												
	~~36,344,306~~		16,681,845			~~53,026,151~~	~~36,742,254~~				16,775,170	~~53,517,424~~
	36,193,118					52,876,983	33,471,345					50,246,715

Total audit costs are estimated to be $110,488 for the biennium. Fifty percent of these costs must be paid from funds other than those appropriated in items 1 through 6.

Item 1b is a biennial appropriation and is contingent on the receipt of the national science foundation mathematics grant being awarded to Montana.

Item 6c is a biennial appropriation.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 7 reduces Montana state university's total general fund appropriation. Montana state university, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.												
MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY (5105)												
1. Instruction (01)												
	3,417,769			2,035,482		5,453,251	3,411,274				[illegible]43,500	5,454,774
2. Organized Research (02)												
	41,300					41,300	41,415					41,415
3. Operation and Maintenance of Plant (07)												
	1,545,483					1,545,483	1,557,023					1,557,023
4. Scholarships and Fellowships (08)												
				201,561		201,561					201,561	201,561
5. Support (44)												
	2,279,062			468,393		2,747,455	2,282,457				474,752	2,757,209
a. Audit (Line Item)												
	49,721					49,721						
b. Minimum Wage (Line Item)												
	35,041					35,041	35,041					35,041
c. Library Books (Line Item)												
	51,805					51,805						
d. Regents' Employee Reporting System (Line Item)												
	8,993					8,993	8,993					8,993
6. *Budget Reduction*												
	116,122					*116,122*	*510,299*					*510,299*
Total												
	~~7,429,174~~			2,705,436		~~10,134,610~~	~~7,436,201~~				2,719,813	~~10,156,014~~
	7,313,052					*10,018,488*	6,825,904					9,545,717

Total audit costs are estimated to be $66,294 for the biennium. Twenty-five percent of these costs must be paid from funds other than those appropriated in items 1 through 5.

Item 5c is a biennial appropriation.

Item 6 reduces the Montana college of mineral science and technology's total general fund appropriation. The Montana college of mineral science and technology, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

EASTERN MONTANA COLLEGE (5106)

1. Instruction (01)												
	3,232,818			4,979,980		8,212,798	3,095,181				5,004,703	8,099,884
2. Public Service (03)												

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	253,236					253,236	254,033					254,033
3.	Operation and Maintenance of Plant (07)											
	2,184,624					2,184,624	2,204,427					2,204,427
	a. Apsaruke Hall Utilities (Line Item)											
	10,000					10,000	10,000					10,000
	b. Billings SID (Line Item)											
	10,503					10,503	6,024					6,024
4.	Scholarships and Fellowships (08)											
					382,715	382,715					382,715	382,715
5.	Support (44)											
	5,027,976				117,382	5,145,358	5,025,779				124,827	5,150,606
	a. Audit (Line Item)											
	52,088					52,088						
	b. Minimum Wage (Line Item)											
	35,563					35,563	35,563					35,563
	c. Library Books (Line Item)											
	112,965					112,965						
	d. Regents' Employee Reporting System (Line Item)											
	14,608					14,608	14,608					14,608
6.	*Budget Reduction*											
	170,082					*170,082*	*855,491*					*855,491*
Total												
	~~10,934,481~~				5,480,077	~~16,414,458~~	~~10,648,415~~				5,512,245	~~16,160,660~~
	10,764,299					16,244,376	9,790,124					15,302,369

Total audit costs are estimated to be $69,450 for the biennium. Twenty-five percent of these costs must be paid from funds other than those appropriated in items 1 through 5.

Item 3a is for utilities expense at Apsaruke hall only. Any unused funds revert to the general fund at the end of each fiscal year.

Item 5c is a biennial appropriation.

Item 6 reduces eastern Montana college's total general fund appropriation. Eastern Montana college, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

NORTHERN MONTANA COLLEGE (5107)

1.	Instruction (01)											
	2,505,437				2,011,170	4,516,607	2,764,317				1,752,290	4,516,607
2.	Public Service (03)											
					8,891	8,891					8,891	8,891
3.	Operation and Maintenance of Plant (07)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	1,166,288					1,166,288	1,177,153					1,177,153
4.	Scholarships and Fellowships (08)											
					278,375	278,375					278,375	278,375
5.	Support (44)											
	2,312,971				193,409	2,506,380	2,046,279				467,452	2,513,731
	a. Audit (Line Item)											
	42,617					42,617						
	b. Minimum Wage (Line Item)											
	39,730					39,730	39,730					39,730
	c. Library Books (Line Item)											
	53,234					53,234						
	d. Regents' Employee Reporting System (Line Item)											
	9,050					9,050	9,050					9,050
6.	*Budget Reduction*											
	96,194					*96,194*	*387,812*					*387,812*
Total												
	~~6,129,387~~				2,491,845	~~8,621,172~~	~~6,036,547~~				2,507,008	~~6,543,555~~
	6,033,133					*8,524,978*	5,648,717					*8,155,725*

Total audit costs are estimated to be $56,823 for the biennium. Twenty-five percent of these costs must be paid from funds other than those appropriated in items 1 through 5.

Item 5c is a biennial appropriation.

Item 6 reduces northern Montana college's total general fund appropriation. Northern Montana college, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

WESTERN MONTANA COLLEGE OF THE UNIVERSITY OF MONTANA (5108)

1.	Instruction (01)											
	1,531,128				1,027,650	2,558,778	1,526,351				1,033,343	2,559,694
2.	Operation and Maintenance of Plant (07)											
	738,270					738,270	743,101					743,101
3.	Scholarships and Fellowships (08)											
					89,683	89,683					89,683	89,683
4.	Support (44)											
	1,119,120				353,405	1,472,525	1,119,456				356,123	1,475,579
	a. Audit (Line Item)											
	43,802					43,802						
	b. Minimum Wage (Line Item)											
	38,507					38,507	38,507					38,507

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
c.	Library Books (Line Item)											
	31,158					31,158						
d.	Regents' Employee Reporting System (Line Item)											
	8,865					8,865	8,865					8,865
5.	*Budget Reduction*											
	55,504					55,504	250,655					250,655
Total												
	~~3,510,850~~				1,470,738	~~4,981,588~~	~~3,446,260~~				1,479,149	~~4,925,409~~
	3,455,346					4,926,084	3,185,625					4,664,774

Total audit costs are estimated to be $58,402 for the biennium. Twenty-five percent of these costs must be paid from funds other than those appropriated in items 1 through 4.

Item 4c is a biennial appropriation.

Item 5 reduces western Montana college's total general fund appropriation. Western Montana college, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

Included within current unrestricted funds (contained in the "other" fund column) to the six university units is the sum of $11,887,000 in fiscal 1992 and $12,131,000 in fiscal 1993 from revenue generated under the provisions of 20-25-423. The department of revenue shall levy the full 6 mills as authorized in 20-25-423. Revenue received by the university system under the provisions of 20-25-423 that exceeds $11,887,000 in fiscal 1992 and $12,131,000 in fiscal 1993 is appropriated to the office of the commissioner of higher education for distribution to the university system and ~~must cause a general fund reversion of a like amount~~ *must be added by budget amendment by the board of regents in a manner so as to offset reductions in the university system appropriations in [this act] from the levels contained in The General Appropriations Act of 1991 and acts supplementary thereto.*

It is understood by the 52nd legislature that the appropriations contained in [this act] for the six university units may result in the board of regents electing to limit or reduce enrollment during fiscal 1992 and fiscal 1993. It is the intent of the 52nd legislature that if actual enrollments during the 1993 biennium are fewer than the budgeted number of student full-time equivalents for the 1993 biennium, systemwide or by unit, the legislative fiscal analyst shall present to the 53rd legislature a current level budget for the six units, systemwide and by unit, no lower than the budgeted amount for the 1993 biennium.

It is further understood by the 52nd legislature that shortfalls in student tuition due to enrollment declines may be presented to the 53rd legislature for a supplemental appropriation. These tuition shortfalls are not expected to be made up by per-student full-time equivalent tuition increases.

The 52nd legislature intends for the Montana university system to be subject to the personal services line item requirements contained in [section 2, *Chapter 815, Laws of 1991, as amended by [this act]*]. The dollar amount of the personal services line item is equal to the following:

(1) For the research, public service, and plant programs, the line item amount is equal to the personal services amount contained in table 3 of the Montana university system budget narrative accompanying [this act].

(2) For the instruction program, the line item amount is equal to the personal services amount identified on the original regents'-approved operating budget each fiscal year, but may be no less than the faculty compensation amount contained in table 3 of the Montana university system budget narrative accompanying [this act].

(3) For the support program, the line item amount is equal to the personal services amount identified on the original regents'-approved operating budget each fiscal year.

It is further the intent of the 52nd legislature that the original budgeted personal services by program on the regents' employee reporting system each fiscal year equal the original regents'-approved operating budget by program.

AGRICULTURAL EXPERIMENT STATION (5109)

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1.	Organized Research (02)											
	7,278,082				2,127,376	9,405,458	7,278,043				2,127,056	9,405,099
a.	Biological Weed Control (Line Item)											
	60,000					60,000	80,572					80,572
2.	Livestock and Range Research Station (15)											
					389,344	389,344					374,295	374,295
3.	*Budget Reduction*											
	117,419					*117,419*	*214,819*					*214,819*
Total												
	~~7,338,082~~				2,516,720	~~9,854,802~~	~~7,158,615~~				2,501,351	~~9,659,966~~
	7,220,663					*9,737,383*	*7,143,796*					*9,645,147*

Item 3 reduces the agricultural experiment station's total general fund appropriation. The agricultural experiment station, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

COOPERATIVE EXTENSION SERVICE (5110)

1.	Public Service (03)											
	2,778,004				1,987,347	4,765,351	2,769,940				1,987,404	4,757,344
2.	*Budget Reduction*											
	44,746					*44,746*	*82,408*					*82,408*
Total												
	~~2,778,004~~				1,987,347	~~4,765,351~~	~~2,769,940~~				1,987,404	~~4,757,344~~
	2,733,258					*4,720,605*	*2,687,532*					*4,674,936*

Item 2 reduces the cooperative extension service's total general fund appropriation. The cooperative extension service, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

FORESTRY AND CONSERVATION EXPERIMENT STATION (5111)

1.	Research (02)											
	711,138					711,138	711,940					711,940
2.	*Budget Reduction*											
	11,068					*11,068*	*36,536*					*36,536*
Total												
	~~711,138~~					~~711,138~~	~~711,940~~					~~711,940~~
	700,070					*700,070*	*675,404*					*675,404*

	Fiscal 1992					Fiscal 1993					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 2 reduces the forestry and conservation experiment station's total general fund appropriation. The forestry and conservation experiment station, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.											
BUREAU OF MINES (5112)											
1. Bureau of Mines (11)											
1,288,493				46,410	1,334,903	1,289,384				46,411	1,335,795
2. *Budget Reduction*											
20,054					*20,054*	*20,172*					*20,172*
Total											
~~1,308,547~~				46,410	~~1,354,957~~	~~1,309,556~~				46,411	~~1,355,967~~
1,268,439					1,314,849	1,269,212					1,315,623
Item 2 reduces the bureau of mines' total general fund appropriation. The bureau of mines, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.											
SCHOOL FOR THE DEAF AND BLIND (5113)											
1. Administration Program (01)											
197,895					197,895	198,322					198,322
a. Audit (Line Item)											
20,519					20,519						
2. General Services Program (02)											
251,213					251,213	~~264,044~~					~~264,044~~
						243,044					243,044
3. Student Services (03)											
~~795,944~~		34,282			~~830,226~~	~~761,042~~		34,247			~~795,289~~
761,095					797,377	745,289					779,536
4. Education (04)											
~~1,541,440~~	~~190,000~~	131,200			1,618,379	~~1,410,205~~	~~190,000~~	131,200			1,616,405
1,297,174	190,000					1,295,205	190,000				
a. Supervising Teacher (Line Item)											
33,249					33,249	33,256					33,256
Total											
~~2,793,100~~	~~190,000~~	165,482			~~2,918,632~~	~~2,581,069~~	~~190,000~~	165,447			~~2,870,563~~
2,563,130	190,000				2,918,632	2,515,116	190,000				2,870,563
MONTANA COUNCIL ON VOCATIONAL EDUCATION (5116)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Administration Program (01)												
			135,578			135,578			135,650			135,650
a. Audit (Line Item)												
			4,104			4,104						
b. Increased Federal Funding (Line Item)												
			30,000			30,000			30,000			30,000
Total												
			169,682			169,682			165,650			165,650
FIRE SERVICES TRAINING SCHOOL (5119)												
1. Fire Services Training School (01)												
	236,279					236,279	219,064					219,064
a. Audit (Line Item)												
	2,525					2,525						
2. *Budget Reduction*												
	3,818					*3,818*	*6,442*					*6,442*
Total												
	~~238,804~~					~~238,804~~	~~219,064~~					~~219,064~~
	234,986					*234,986*	*212,622*					*212,622*
TOTAL SECTION E												
	~~176,315,037~~	~~4,621,114~~	21,350,121	14,856,747	51,942,747	~~269,085,766~~	~~171,113,081~~	~~4,537,283~~	11,970,584	17,071,917	~~52,187,911~~	~~256,880,762~~
	197,796,431	*4,647,623*				*290,593,669*	*162,102,624*	*4,563,798*			*57,366,671*	*253,075,594*
TOTAL STATE FUNDING												
	~~453,868,142~~	~~281,579,413~~	~~604,104,453~~	~~216,571,447~~	54,911,330	~~1,611,034,775~~	~~432,794,787~~	~~269,608,416~~	~~601,317,152~~	~~224,556,424~~	~~54,701,450~~	~~1,583,050,954~~
	482,147,469	*281,411,610*	*606,326,156*	*216,646,146*		*1,641,442,711*	*438,123,204*	*268,708,257*	*597,371,479*	*224,634,134*	*59,960,110*	*1,588,797,184*

The fire services training school must be provided office, classroom, and storage space in the Great Falls vocational-technical center at no charge.

Item 2 reduces the fire services training school's total general fund appropriation. The fire services training school, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

Section 2. Section 9, Chapter 526, Laws of 1991, is amended to read:

"Section 9. **Appropriation.** There is appropriated for the biennium ending June 30, 1993, ~~$26,000~~ *$21,710* for travel costs and per diem and administrative support costs and $40,000 for consultant costs from the general fund to the office of the legislative fiscal analyst for use by the joint committee on postsecondary education policy and budget."

Section 3. Section 2, Chapter 546, Laws of 1991, is amended to read:

"Section 2. **Appropriation.** There is appropriated from the general fund to the legislative council for the biennium ending June 30, 1993, ~~$37,000~~ *$34,040* for the purposes of conducting the study required in [section 1]."

Section 4. Section 4, Chapter 559, Laws of 1991, is amended to read:

"Section 4. **Appropriation.** There is appropriated from the general fund to the department of family services for the biennium ending June 30, 1993, the sum of ~~$100,000~~ *$50,000* to be used to provide respite care for foster children."

Section 5. Section 16, Chapter 604, Laws of 1991, is amended to read:

"Section 16. **Appropriation.** There is appropriated from the general fund to the department of justice ~~$639,300~~ *$588,156* in fiscal year 1992 and ~~$837,900~~ *$770,868* in fiscal year 1993 to fund the continued development and operation of the statewide motor vehicle computer system."

Section 6. Section 6, Chapter 634, Laws of 1991, is amended to read:

"Section 6. **Appropriation.** There is appropriated to the department of health and environmental sciences ~~$14,000~~ *$12,880* from the general fund for the biennium ending June 30, 1993, for the purpose of implementing [this act]."

Section 7. Section 1, Chapter 707, Laws of 1991, is amended to read:

"Section 1. **Appropriation — purpose — department of social and rehabilitation services to deposit certain funds to general fund — court automation report.** (1) There is appropriated from the state general fund to the supreme court ~~$420,000~~ *$386,400* for the 1993 biennium for court automation projects.

(2) There is appropriated from the federal special revenue account to the supreme court $200,000 for the 1993 biennium for court automation projects.

(3) The funds appropriated by this section to the supreme court must be used to pay necessary costs for court automation projects to improve information systems, case management systems, and the administration of justice.

(4) Prior to July 1, 1991, the department of social and rehabilitation services shall deposit to the credit of the state general fund all money in the federal special revenue account (number 03143) associated with the former department of community affairs grant closeouts reported in the April 1990 legislative audit by the office of the legislative auditor.

(5) The supreme court shall report to the 1993 legislature the status of judicial automation."

Section 8. Section 16, Chapter 720, Laws of 1991, is amended to read:

"Section 16. **Appropriation.** (1) The following money for the indicated fiscal years is appropriated to the listed agencies to implement [this act]:

	Fiscal 1992		Fiscal 1993	
	General Fund	Other Funds	General Fund	Other Funds
Legislative Auditor	$ 55,321	$ 59,836	$ 90,697	$ 98,098
Legislative Fiscal Analyst	29,486		49,742	
Legislative Council	76,834		152,898	
Environmental Quality Council	11,763		18,618	
Consumer Counsel		7,167		11,734
Judiciary	72,569	16,802	122,084	28,266
University System	4,113,000	1,160,000	6,752,000	1,904,000
Office of Budget and Program Planning for Distribution to All Other Agencies	8,603,027	11,843,195	13,727,961	18,844,902

(2) There is appropriated to the state personnel division ~~$73,200~~ *$64,200* from the general fund for the fiscal year ending June 30, ~~1993~~ *1991*, for changes in the payroll/personnel/position control system. Any unexpended portion of the appropriation is reappropriated for the biennium ending June 30, 1993."

Section 9. Section 1, Chapter 753, Laws of 1991, is amended to read:

"Section 1. **Appropriation.** Upon final determination of all general fund money in the department of social and rehabilitation services' unreconciled special revenue fund balance and the deposit of these funds in the general fund, the lesser of ~~$547,339~~ *$286,589* or the amount available from the balance after funding $438,795 in fiscal 1992 and $485,182 in fiscal 1993 appropriated to the department of social and rehabilitation services from the TEAMS project is appropriated from the general fund to the department of family services for the purchase and development of a management information system and may not be used for other purposes. In addition, there is appropriated the following for this purpose:

Fiscal year 1992	$138,312 from federal special funds
Fiscal year 1993	138,312 from federal special funds"

Section 10. Section 12, Chapter 765, Laws of 1991, is amended to read:

"Section 12. **Appropriation.** There is appropriated from the general fund to the superintendent of public instruction ~~$2,471,000~~ *$2,273,320* for the biennium ending June 30, 1993, to fund educational programs for children with disabilities who are placed in an in-state children's psychiatric hospital or residential treatment facility."

Section 11. Section 6, Chapter 774, Laws of 1991, is amended to read:

"Section 6. **Capital projects appropriations.** (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project	LRBPE	Other Funding Sources	
DEPARTMENT OF ADMINISTRATION			
Hazardous Material Abatement, Statewide	~~$ 617,500~~ *$ 594,625*	$ 150,000	Auxiliary
State Building Energy Retrofit, Statewide		500,000	Nonstate State Special Revenue
		1,000,000	Federal Special Revenue
		500,000	Auxiliary or Other
Construction, Litigation, Architecture and Engineering Division	345,000		
Develop Alternate Water Supply, Capitol Complex		50,000	Proprietary Funds
Property Acquisition and Development, Capitol Complex		123,014	Capitol Land Grant
		20,000	
DEPARTMENT OF COMMERCE			
Improve Pavement and Lighting, Yellowstone Airport		51,773	Proprietary Funds
		465,957	Federal Special Revenue
DEPARTMENT OF EDUCATION			
Replace Academic Building Roof and Miscellaneous Repairs, Montana School for the Deaf and Blind	339,000		
DEPARTMENT OF FAMILY SERVICES			
Expand Security Fence, Pine Hills School	27,000		
Replace and Repair Roofs, Family Services	127,600		
DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
Remove Underground Storage Tanks, Statewide		150,000	State Special Revenue
Headquarters Maintenance and Improvements, Statewide		85,000	State Special Revenue
Department Property Development, Statewide		360,000	State Special Revenue
State Park Maintenance and Development, Statewide		3,798,500	State Special Revenue
		1,124,500	Federal Special Revenue
Fish Hatchery Maintenance, Statewide		37,500	State Special Revenue
		112,500	Federal Special Revenue
Fishing Access Site Improvements, Statewide		286,000	State Special Revenue
		858,000	Federal Special Revenue
Motorboat Access Facilities, Statewide		67,000	State Special Revenue
		201,000	Federal Special Revenue
Wildlife Habitat Maintenance, Statewide		304,000	State Special Revenue
Waterfowl Habitat Enhancement, Statewide		349,500	State Special Revenue
DEPARTMENT OF HIGHWAYS			
Maintenance Projects, Statewide		450,000	Highways State Special Revenue
Construct and Expand Maintenance and Storage Buildings, Statewide		1,167,600	Highways State Special Revenue
		115,925	Federal Special Revenue
DEPARTMENT OF ~~INSTITUTIONS~~ *CORRECTIONS AND HUMAN SERVICES*			
Replace Water and Steam Lines, Montana Developmental Center	116,708		
Replace Roofs, Institutions	30,000		
Moisture Protection, Eastmont Human Services Center	98,450		
~~Maintain Roads and Parking Lots, Institutions~~	~~37,625~~		
Montana State Hospital Infrastructure Study	112,375		
Seal Buildings, Montana State Prison	25,000		
Building Improvements, Center for the Aged	105,015		
Replace Multipurpose Building Flooring, Montana State Hospital, Warm Springs	26,800		
Galen Repair Projects	181,000		

DEPARTMENT OF LABOR AND INDUSTRY			
Renovate and Expand Job Service, Great Falls		310,000	Federal Special Revenue
Various Major Maintenance Projects		209,450	Federal Special Revenue
DEPARTMENT OF STATE LANDS			
~~Construct Unit Office, Plains~~	~~235,000~~		
Construct Two Greenhouses, Missoula		191,900	State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS			
Kitchen Upgrade, Statewide	~~45,000~~ *5,000*		
Rifle Range Rehabilitation, Statewide	10,000	555,000	Federal Special Revenue
Armory Additions and Alterations, Statewide	~~150,000~~ *1,000*	16,155,000	Federal Special Revenue
Acquire Land and Preplan Armory, Billings	150,000	200,000	Federal Special Revenue
Expand Military Vehicle Compounds, Statewide	5,000	275,000	Federal Special Revenue
Federal Spending Authority		300,000	Federal Special Revenue
Libby Armory		827,000	Federal Special Revenue
MONTANA UNIVERSITY SYSTEM			
Primary Electrical Vault Disconnect, Eastern Montana College	31,000	14,000	Auxiliary
Install Fire Alarm System, University of Montana	70,000		
Replace and Improve Roofs, University System	1,154,550	350,000	Plant
Improve Underground Utilities, Phase I, University System	296,000	200,000	Auxiliary
Repair and Improve Heating System, Western Montana College	57,900		
Improve Handicapped Access, University System	335,000		
Replace Carpet, Great Falls Vo-Tech	60,000		
Improve Sidewalks and Fire Access, University System	86,000		
~~Plan Chemistry/Pharmacy Renovations, University of Montana~~	~~50,000~~		
~~Plan Metallurgy Remodel, Montana Tech~~	~~50,000~~		
Window Retrofit Museum Building, Montana Tech	142,000		
Various Improvements, University of Montana		2,584,600	Federal, Higher Education Funds, and/or Donations
Centennial Mall, Montana State University		1,600,000	Plant
Remodel Student Union Building, Western Montana College		600,000	Auxiliary
Construct Engineering/Physical Sciences Complex, Montana State University		~~2,168,200~~ *2,301,200*	Higher Education Funds and/or Donations
Life Science Building, University of Montana		12,000,000	Federal Special Revenue
Construct Business Administration Building, University of Montana		1,858,320	Higher Education Funds and/or Donations
Multipurpose Building, Northern Agricultural Research Center	150,000	*150,000*	*Higher Education Funds and/or Donations*
Repair Northern Montana College Gymnasium	*934,500*	1,700,000	Higher Education Funds and/or Donations

~~(2) If House Bill No. 959 is not passed and approved, the appropriation in this section to construct the engineering/physical sciences complex at MSU is $2,668,200 from higher education funds and/or donations.~~

~~(3)~~*(2)* For purposes of obtaining cash for the construction litigation appropriation authority in [section 6(1)], the architecture and engineering division of the department of administration is authorized to request a budget amendment for transfer of any excess long-range building project funds from any agency so long as the amendment does not move funds required to complete any authorized agency project.

~~(4)~~*(3)* The following money is appropriated to the department of administration in the indicated amounts for the purpose of planning projects described in [section 12] and authorized in [section 13]:

Agency/Project	LRBPF	Other Funding Sources
Preliminary Design for Prison Expansion	$ 877,500	
Preliminary Design, University System:		
Engineering/Physical Sciences, MSU	1,165,290	
Business Administration, UM	604,705	

~~(5)~~*(4)* ~~(a) If House Bill No. 959 is passed and approved, the~~ *The* following money is appropriated to the department of administration for the university system:

Agency/Project	LRBPF	Other Funding Sources	
University System			
Deferred Maintenance Projects and Equipment Approved by the Board of Regents		~~$ 600,000~~ *$ 517,500*	General Fund
Repair Northern Montana College Gymnasium		~~1,300,000~~ *283,000*	General Fund
Equipment for Eastern Montana College		600,000	General Fund
Construct Engineering/Physical Sciences Complex, Montana State University		~~600,000~~ *367,000*	General Fund

~~(b) If the bonding program in [section 13] fails to receive the necessary two-thirds vote of both houses of the legislature and if House Bill No. 959 is passed and approved, there is appropriated $1,800,000 from the general fund to the university system for deferred maintenance projects and/or equipment as approved by the board of regents. The $1,165,290 appropriation for the engineering/physical sciences complex at MSU and the $604,705 appropriation for the business administration building at UM in [section 6(4)] are void, and LRBPF funds in the amount of $1,769,995 are appropriated to replace the $1,300,000 general fund appropriation for the repairs of the northern Montana college gymnasium in subsection (5), funds in the amount of $400,000 are appropriated to replace the bonding money for the Libby armory in [section 12], and funds in the amount of $69,995 are appropriated to design the remodeling of the Great Falls vocational-technical center.~~

~~(6)~~*(5)* Amounts not to exceed $490,000 of federal special revenue money and $163,333 of state special revenue money appropriated in the state parks maintenance and development statewide line item under subsection (1) may be added to the line item appropriations for motorboat access facilities statewide under subsection (1) or fishing access site acquisition statewide under [section 8(1)]. ~~This subsection is void if House Bill No. 386 and Senate Bill No. 415 are passed and approved and provide sufficient additional state special revenue money required as state matching funds to fully utilize all of the federal special revenue money provided in subsection (1) in the line item appropriation for state parks.~~"

Section 12. Section 9, Chapter 781, Laws of 1991, is amended to read:

"Section 9. **Appellate defender — appropriation.** The following money is appropriated from funds available as provided in 3-5-901(2) to the appellate defender commission for the operation of the commission and the office of appellate defender:

Fiscal year 1992	~~$100,000~~ *$ 50,000*
Fiscal year 1993	100,000"

Section 13. Section 5, Chapter 816, Laws of 1991, is amended to read:

"Section 5. **General fund appropriation.** The department of ~~highways~~ *justice* is appropriated ~~$345,000~~ *$317,400* from the general fund in fiscal 1992 and ~~$233,000~~ *$214,360* from the general fund in fiscal 1993 to pay a portion of the state retirement contribution for the Montana highway patrol."

Section 14. Section 1, Chapter 820, Laws of 1991, is amended to read:

"Section 1. **Appropriation.** There is appropriated from the general fund ~~$700,000~~ *$644,000* to the department of commerce for the Lewis and Clark national historic trail interpretive center for the biennium ending June 30, 1993. The money, along with the $300,000 of other funds specified in [section 2], is to be used to match federally appropriated funds on an 8-to-1 basis. The department of commerce shall administer the appropriation to add another tourism destination attraction in Montana. The department of commerce shall distribute the money for planning, design, and all phases of construction for a Lewis and Clark national historic trail interpretive center, as authorized in Public Law 100-552."

Section 15. **Repealer.** Section 7, Chapter 725, Laws of 1991, is repealed.

Section 16. **Effective date.** [This act] is effective on passage and approval.

Approved February 4, 1992

CHAPTER NO. 14

[HB 3]

AN ACT ACCEPTING AN AMENDMENT TO THE ENABLING ACT IN ORDER TO ALLOW CERTAIN TIMBER TO BE TREATED AS A CROP; TREATING TIMBER HARVESTED FROM SCHOOL TRUST LANDS AS A CROP; RETAINING TIMBER SALE REVENUE FROM TIMBER HARVESTED FROM OTHER TRUST LANDS IN THE TRUST FUND SUPPORTING THE INSTITUTION TO WHICH THE LAND IS GRANTED; EXCLUDING TIMBER SALE REVENUE FROM THE DEFINITION OF INCOME TO BE DEPOSITED IN THE RESOURCE DEVELOPMENT ACCOUNT; AMENDING SECTIONS 17-3-1003, 20-9-341, 20-9-601, AND 77-1-602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, the Legislature recognizes that timber on school trust lands is a finite renewable resource to be managed on a sustainable yield basis by the Department of State Lands.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Acceptance of amendment.** The State of Montana hereby accepts the amendment to section 11 of the Act approved February 22, 1889 (25 Stat. 676), relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved by the President of the United States, June 30, 1967, (Public Law 90-41), which amendment reads as follows:

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That the second sentence of the fourth paragraph of section 11 of the Act entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States", approved February 22, 1889 (25 Stat. 676), as amended, is amended to read as follows: "Rentals on leased land, proceeds from the sale of timber and other crops, interest on deferred payments on land sold, interest on funds arising from these lands, and all other actual income,

shall be available for the acquisition and construction of facilities, including the retirement of bonds authorized by law for such purposes, and for the maintenance and support of such schools and institutions." Approved June 30, 1967.

Section 2. Section 17-3-1003, MCA, is amended to read:

"17-3-1003. Support of state institutions. (1) For the support and endowment of each state institution, there is annually and perpetually appropriated the income from all permanent endowments therefor and from all land grants as provided by law. All moneys received or collected in connection with such endowments by all higher educational institutions, reformatory, custodial and penal institutions, state hospitals, and sanitariums, for any purpose whatever, except revenues pledged to secure the payment of principal and interest of obligations incurred for the purchase, construction, equipment, or improvement of facilities at units of the Montana university system and for the refunding of such obligations or moneys which may constitute temporary deposits, all or part of which may be subject to withdrawal or repayment, shall be paid over to the state treasurer who shall deposit the same to the credit of the proper fund.

(2) ~~All moneys~~ *Except as provided in subsection (3), all money* received from the investment of grants of a state institution and all money received from the leasing of lands granted to a state institution shall be deposited with the state treasurer of Montana for each of such institutions, to the credit of the state special revenue fund.

(3) All money received from the sale of timber from lands granted to a state institution must be deposited to the credit of the permanent trust fund for the support of the institution."

Section 3. Section 20-9-341, MCA, is amended to read:

"20-9-341. Definition of interest and income moneys. (1) As used in this title, the term "interest and income moneys" means the total of the following revenues, as provided for by Article X, section 5, of the 1972 Montana constitution:

(a) 95% of the interest received from the investment of the public school fund;

(b) 95% of the interest received from the investment of any other school funds held in trust by the state board of land commissioners;

(c) 95% of the income received from the leasing of *or sale of timber from* state school lands after any deductions that may be made under the provisions of Title 77, chapter 1, part 6; and

(d) 95% of any other income derived from any other covenant affecting the use of state school lands.

(2) The remaining 5% of such revenues shall be annually credited to the public school fund."

Section 4. Section 20-9-601, MCA, is amended to read:

"20-9-601. Public school fund. The public school fund shall be maintained by the state treasurer as a fund in the nonexpendable trust fund type, and the principal amount of such fund shall be irreducible and permanent. The following moneys shall

be credited to such fund as an addition to the irreducible and permanent principal amount:

(1) appropriations and donations by the state;

(2) donations and bequests by individuals to the state or schools;

(3) the proceeds of land and other property which revert to the state by escheat and forfeiture;

(4) the proceeds of all property granted to the state, when the purpose of the grant is not specified or is uncertain;

(5) funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law;

(6) the proceeds of the sale of ~~timber,~~ stone, materials, or other property from school lands other than those granted for specific purposes and all moneys other than rental recovered from persons trespassing on such lands;

(7) the principal of all moneys arising from the sale of lands and other property which have been and may be hereafter granted to the state for the support of common schools;

(8) the amount earmarked for deposit in this fund under the provisions of 20-9-341; and

(9) such other moneys as may be provided by the legislature."

Section 5. Section 77-1-602, MCA, is amended to read:

"**77-1-602. Definition of terms.** Unless the context requires otherwise, in this part the following definitions apply:

(1) "Account" means the resource development account in the state special revenue fund.

(2) "Income" means all proceeds received for the use of state land except ~~revenues~~ *revenue* required by law to be placed in the Montana nonexpendable trust fund type *and revenue from the sale of timber.*"

Section 6. **Effective date — termination.** [This act] is effective on passage and approval, and [sections 3 through 5] terminate June 30, 1993.

Approved February 4, 1992.

CHAPTER NO. 15

[HB 4]

AN ACT TRANSFERRING TO THE GENERAL FUND $1.5 MILLION FROM UNEMPLOYMENT INSURANCE ADMINISTRATIVE FUNDS COLLECTED THROUGH STATE ASSESSMENTS; AMENDING SECTIONS 39-51-404 AND

39-51-406, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-51-404, MCA, is amended to read:

"**39-51-404. Administrative expenses.** (1) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor;

(b) limits the period within which such money may be expended to a period ending not more than 2 years after the date of the enactment of the appropriation law; and

(c) limits the amount which may be used during any 12-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act, as amended, during the same 12-month period and the 34 preceding 12-month periods exceeds the aggregate of the amounts used pursuant to this section and charged against the amounts credited to the account of this state during any of such 35 12-month periods.

(2) For the purposes of this section, amounts used during any such 12-month period shall be charged against equivalent amounts which were first credited and which are not already so charged, except that no amount used for administration during any such 12-month period may be charged against any amount credited during such a 12-month period earlier than the 34th preceding such period. Money requisitioned for the payment of expenses of administration pursuant to this section shall be deposited in the unemployment insurance administration account but, until expended, shall remain a part of the unemployment insurance fund.

(3) The department shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any money so deposited is for any reason not to be expended for the purpose for which it was appropriated or if it remains unexpended at the end of the period specified by the law appropriating such money, it shall be withdrawn and returned to the secretary of the treasury of the United States for credit to this state's account in the unemployment trust fund.

(4) Beginning with the third quarter of 1983, an assessment equal to .1% of all taxable wages provided for in 39-51-1108 and .05% of total wages paid by employers not covered by an experience rating must be levied against and paid by all employers ~~and may be used by the department for administrative purposes~~. All such assessments must be deposited in the unemployment insurance administration account provided for in 39-51-406 and used as appropriated by the legislature. Any assessments deposited to the unemployment insurance administration account, including investment income, that are not appropriated by the legislature must be transferred to the unemployment trust fund account provided for in 39-51-402."

Section 2. Section 39-51-406, MCA, is amended to read:

"39-51-406. **Unemployment insurance administration account.** (1) There is hereby created an account in the federal special revenue fund to be known as the unemployment insurance administration account. ~~All~~ *Except as provided in subsection (8),* moneys which are deposited, appropriated, or paid into this account are hereby appropriated and made available to the department. ~~All~~ *Except as provided in subsection (8),* moneys in the account shall be expended solely for the purpose of defraying the costs of administration of this chapter and costs of administration of such other legislation as shall be specifically delegated to the department for administration by the legislature.

(2) All moneys received and deposited in said account for administration expense from the United States or any agency thereof pursuant to section 302, Title III, of the Social Security Act shall be expended solely for the purpose and in the amounts found necessary by the secretary of labor for the proper and efficient administration of this chapter.

(3) The account shall consist of:

(a) all moneys received from the United States or any agency thereof pursuant to section 302, Title III, of the Social Security Act, as amended;

(b) all moneys appropriated by the state from the general fund for the purpose of administering this chapter; and

(c) all moneys, trust funds, supplies, facilities, or services furnished, deposited, paid, and received from:

(i) the United States or any agency thereof;

(ii) this state or any agency thereof;

(iii) any other state or any of its agencies;

(iv) political subdivisions of the state; or

(v) any other source for administrative expense and purpose.

(4) ~~Notwithstanding any provisions of this section~~ *Except as provided in subsection (8),* all money requisitioned and deposited in this account pursuant to 39-51-403 through 39-51-405 shall remain part of the unemployment insurance fund and shall be used only in accordance with the conditions specified in 39-51-403 through 39-51-405.

(5) All moneys in this account shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other accounts. Any balance in this account shall not lapse at any time but shall be continuously available to the department for the expenditure consistent with this chapter.

(6) The state treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment insurance administration account in an amount to be fixed by the department and in a form

prescribed by law or approved by the attorney general. The premiums for such bond and the premiums for the bond given by the treasurer for the unemployment insurance fund under 39-51-402 shall be paid from the money in the unemployment insurance administration account.

(7) Any reference to the unemployment insurance administration fund in this code shall be taken to mean the unemployment insurance administration account in the federal special revenue fund.

(8) On or before June 30, 1992, the department shall transfer an amount not to exceed $1.5 million from the unemployment insurance administration account to the general fund."

Section 3. **Effective date — termination.** [This act] is effective on passage and approval and terminates July 1, 1992.

Approved February 4, 1992.

CHAPTER NO. 16

[HB 10]

AN ACT DIVERTING TO THE GENERAL FUND COAL SEVERANCE TAX FUNDS THAT WOULD OTHERWISE BE DEPOSITED IN THE HIGHWAY RECONSTRUCTION TRUST FUND ACCOUNT; AMENDING SECTION 15-35-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-35-108, MCA, is amended to read:

"15-35-108. *(Temporary)* **Disposal of severance taxes.** Severance taxes collected under this chapter must be allocated according to the provisions in effect on the date the tax is due under 15-35-104. Severance taxes collected under the provisions of this chapter are allocated as follows:

(1) To the trust fund created by Article IX, section 5, of the Montana constitution, 50% of total coal severance tax collections. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Starting July 1, ~~1987~~ *1992*, and ending June 30, ~~2003~~ *1993*, 12% of coal severance tax collections are allocated to the ~~highway reconstruction trust fund account in the state special revenue~~ *general* fund.

(3) Coal severance tax collections remaining after the allocations provided by subsections (1) and (2) are allocated in the following percentages of the remaining balance:

(a) 17 ½% to the credit of the local impact account. Unencumbered funds remaining in the local impact account at the end of each biennium are allocated to the state special revenue fund for state equalization aid to public schools of the state.

(b) 30% to the state special revenue fund for state equalization aid to public schools of the state;

(c) 1% to the state special revenue fund to the credit of the county land planning account;

(d) 1 ¼% to the credit of the renewable resource development bond fund;

(e) 0% to a nonexpendable trust fund for the purpose of parks management. Income from this trust fund must be appropriated for the development, operation, and maintenance of any sites and areas described in 23-1-102.

(f) 1% to the state special revenue fund to the credit of the state library commission for the purposes of providing basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking;

(g) 1/2 of 1% to the state special revenue fund for conservation districts;

(h) 1 ¼% to the debt service fund type to the credit of the water development debt service fund;

(i) 2% to the state special revenue fund for the Montana Growth Through Agriculture Act;

(j) 1 ⅔% to a nonexpendable trust fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Income from this trust fund shall be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(k) beginning July 1, 1991, and ending June 30, 1993, 3 ⅓% to a special revenue account to be used by the department of fish, wildlife, and parks for the development, operation, and maintenance of state parks and the stabilization and preservation of historic sites within the state park system;

(l) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund of the state. *(Terminates June 30, 1993—sec. 3, Ch. 615, L. 1991.)*

15-35-108. *(Effective July 1, 1993)* **Disposal of severance taxes.** Severance taxes collected under this chapter must be allocated according to the provisions in effect on the date the tax is due under 15-35-104. Severance taxes collected under the provisions of this chapter are allocated as follows:

(1) To the trust fund created by Article IX, section 5, of the Montana constitution, 50% of total coal severance tax collections. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Starting July 1, 1987, and ending June 30, 2003, 12% of coal severance tax collections are allocated to the highway reconstruction trust fund account in the state special revenue fund.

(3) Coal severance tax collections remaining after allocation to the trust fund under subsection (1) are allocated in the following percentages of the remaining balance:

(a) 17 1/2% to the credit of the local impact account. Unencumbered funds remaining in the local impact account at the end of each biennium are allocated to the state special revenue fund for state equalization aid to public schools of the state.

(b) 30% to the state special revenue fund for state equalization aid to public schools of the state;

(c) 1% to the state special revenue fund to the credit of the county land planning account;

(d) 1 1/4% to the credit of the renewable resource development bond fund;

(e) 3 1/3% to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(f) 1% to the state special revenue fund to the credit of the state library commission for the purposes of providing basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking;

(g) 1/2 of 1% to the state special revenue fund for conservation districts;

(h) 1 1/4% to the debt service fund type to the credit of the water development debt service fund;

(i) 2% to the state special revenue fund for the Montana Growth Through Agriculture Act;

(j) 1 2/3% to a nonexpendable trust fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Income from this trust fund shall be appropriated for protection of works of art in the state capitol and other cultural and aesthetic projects.

(k) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund of the state. *(Terminates July 1, 2003—sec. 4, Ch. 191, L. 1991.)*

15-35-108. *(Effective July 1, 2003)* **Disposal of severance taxes.** Severance taxes collected under this chapter must be allocated according to the provisions in effect on the date the tax is due under 15-35-104. Severance taxes collected under the provisions of this chapter are allocated as follows:

(1) To the trust fund created by Article IX, section 5, of the Montana constitution, 50% of total coal severance tax collections. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Coal severance tax collections remaining after allocation to the trust fund under subsection (1) are allocated in the following percentages of the remaining balance:

(a) 17 ½% to the credit of the local impact account. Unencumbered funds remaining in the local impact account at the end of each biennium are allocated to the state special revenue fund for state equalization aid to public schools of the state.

(b) 30% to the state special revenue fund for state equalization aid to public schools of the state;

(c) 1% to the state special revenue fund to the credit of the county land planning account;

(d) 1 ¼% to the credit of the renewable resource development bond fund;

(e) 3 ⅓% to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(f) 1% to the state special revenue fund to the credit of the state library commission for the purposes of providing basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking;

(g) 1/2 of 1% to the state special revenue fund for conservation districts;

(h) 1 ¼% to the debt service fund type to the credit of the water development debt service fund;

(i) 2% to the state special revenue fund for the Montana Growth Through Agriculture Act;

(j) 1 ⅔% to a nonexpendable trust fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Income from this trust fund shall be appropriated for protection of works of art in the state capitol and other cultural and aesthetic projects.

(k) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund of the state."

Section 2. **Effective date — termination.** [This act] is effective on passage and approval and terminates July 1, 1993.

Approved February 4, 1992.

CHAPTER NO. 17

[HB 14]

AN ACT TO PROVIDE FOR PAYMENT OF ESTIMATED INDIVIDUAL INCOME TAXES IN FOUR INSTALLMENTS; TO ESTABLISH THAT AN AMOUNT EQUAL TO AT LEAST 90 PERCENT OF THE TAX DUE IN THE CURRENT TAX YEAR OR

EQUAL TO 100 PERCENT OF THE TAX LIABILITY IN THE PRECEDING TAX YEAR MUST BE PAID THROUGH PAYMENT OF ESTIMATED TAXES, THROUGH EMPLOYER WITHHOLDING, OR THROUGH A COMBINATION OF BOTH; TO PROVIDE CERTAIN EXCEPTIONS FROM THE PAYMENT OF ESTIMATED TAXES; TO ALLOW PAYMENT OF ESTIMATED TAXES ON THE BASIS OF ANNUALIZED INSTALLMENTS; TO REQUIRE PAYMENT OF A PENALTY FOR FAILURE TO PAY THE REQUIRED INSTALLMENT OF ESTIMATED TAXES; TO PROVIDE AN APPROPRIATION; AMENDING SECTION 15-30-241, MCA; REPEALING SECTION 15-30-242, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-30-241, MCA, is amended to read:

"15-30-241. ~~Declaration of estimated~~ *Estimated* tax — *payment — exceptions — penalty.* (1) *(a)* ~~Every~~ *Each* individual *subject to tax under this chapter,* except farmers~~,~~ *or* ranchers~~, or stockmen~~ *as defined in subsection (6),* shall~~, at the time prescribed in subsection (3) of this section, make a declaration of his estimated tax~~ *pay* for the ~~taxable~~ *tax* year, *through employer withholding, as provided in 15-30-202, through payment of estimated tax in four installments, as provided in subsection (2) of this section, or through a combination of employer withholding and estimated tax payments, at least:*

(i) 90% of the tax for the current tax year, less tax credits and withholding allowed the taxpayer; or

(ii) an amount equal to 100% of the individual's tax liability for the preceding tax year, if the preceding tax year was a period of 12 months and if the individual filed a return for the tax year. ~~if his net income from sources other than wages, salaries, bonuses, or other emoluments can reasonably be expected to equal or exceed his net income from wages, salaries, bonuses or other emoluments, which are subject to withholding.~~

(b) Payment of estimated taxes under this section is not required if:

(i) the combined tax liability of employer withholding and estimated tax for the current year is less than $500 after reductions for credits and withholding;

(ii) the individual did not have any tax liability for the preceding tax year, which was a tax year of 12 months, and if the individual was a citizen or resident of the United States throughout that tax year;

(iii) the underpayment was caused by reason of casualty, disaster, or other unusual circumstances that the department determines to constitute good cause; or

(iv) the individual retired in the tax year after having attained the age of 62 or if the individual became disabled in the tax year. In addition, payment of estimated taxes under this section is not required in the tax year following the tax year in which the individual retired or became disabled.

(2) ~~In the declaration required under subsection (1) of this section, the individual shall state:~~

~~(a) the amount which he estimates as the amount of tax under 15-30-103 for the taxable year;~~

~~(b) the amount which he estimates will be withheld from wages paid by his employer if said individual is an employee;~~

~~(c) the excess of the amount estimated under subsection (2)(a) over the amount estimated under subsection (2)(b), which excess for purposes of this section shall be considered the estimated tax for the taxable year;~~

~~(d) such other information as may be prescribed in rules promulgated by the department.~~

~~(3) The declaration required under subsection (1) of this section shall be filed with the department on or before April 15 of the taxable year, except that if the requirements of subsection (1) of this section are first met:~~

~~(a) after April 1 and before October 1 of the taxable year, the declaration shall be filed on or before October 15 of the taxable year;~~

~~(b) after October 1 of the taxable year, the declaration shall be filed on or before February 15 of the succeeding taxable year.~~

~~(4) An individual may make amendments of a declaration filed during the taxable year under subsection (3) of this section under rules prescribed by the department.~~

~~(5) If, on or before February 15 of the succeeding taxable year, the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on his return as payable, then under rules prescribed by the department:~~

~~(a) if the declaration is not required to be filed during the taxable year but is required to be filed on or before such February 15, such return shall for the purposes of this section be considered as such declaration; and~~

~~(b) if the tax shown on the return is greater than the estimated tax shown in a declaration previously made or in the last amendments thereof, such return shall for the purposes of this section be considered as the amendment of the declaration permitted by subsection (4) of this section to be filed on or before such February 15.~~
Estimated taxes must be paid in four installments according to one of the following schedules:

(a) For each taxpayer whose tax year begins on January 1, estimated tax payments are due on the following dates:

Installment	*Date*
First	*April 15*
Second	*June 15*
Third	*September 15*
Fourth	*January 15 of the following tax year*

(b) For each taxpayer whose tax year begins on a date other than January 1, estimated tax payments are due on the following dates:

Installment	*Date*	
First	*15th day of the 4th month following the beginning of the tax year*	
Second	*15th day of the 6th month following the beginning of the tax year*	
Third	*15th day of the 9th month following the beginning of the tax year Fourth*	*15th day of the month following the close of the tax year*

(3) (a) Except as provided in subsection (4), each installment must be 25% of the required annual payment determined pursuant to subsection (1). If the taxpayer's tax situation changes, each succeeding installment must be proportionally changed so that the balance of the required annual payment is paid in equal installments over the remaining period of time.

(b) If the taxpayer's tax situation changes after the date for the first installment or any subsequent installment, as specified in subsection (2)(a) or (2)(b), so that the taxpayer is required to pay estimated taxes, the taxpayer shall pay 25% for each succeeding installment except for the first one in which a payment is required. For estimated taxes required to be paid beginning with the second installment provided for in subsection (2)(a) or (2)(b), the taxpayer shall pay 50% for that installment and 25% for the third and fourth installments, respectively. For estimated taxes required to be paid beginning with the third installment provided for in subsection (2)(a) or (2)(b), the taxpayer shall pay 75% for that installment and 25% for the fourth installment.

(4) (a) If for any required installment the taxpayer determines that the installment payment is less than the amount determined under subsection (3)(a), the lower amount may be paid as an annualized income installment.

(b) For any required installment, the annualized income installment is the applicable percentage described in subsection (4)(c) applied to the tax computed on the basis of annualized taxable income in the tax year for the months ending before the due date for the installment less the total amount of any prior required installments for the tax year.

(c) For the purposes of this subsection (4), the applicable percentage is determined according to the following schedule:

Required Installment	*Applicable Percentage*
First	*22.5%*
Second	*45%*
Third	*67.5%*
Fourth	*90%*

(d) A reduction in a required installment resulting from the application of an annualized income installment must be recaptured by increasing the amount of the next required installment, determined under subsection (3)(a), by the amount of the reduction. Any subsequent installment must be increased by the amount of the reduction until the amount has been recaptured.

(5) (a) If an estimated tax, an employer withholding tax, or a combination of estimated tax and employer withholding tax is underpaid, there must be added to the amount due under this chapter a penalty equal to 10% a year on the amount of the underpayment. The penalty is computed on the amount of the underpayment, as determined in subsection (5)(b), for the period from the time the payment was due to the date payment was made or to the 15th day of the 4th month of the year following the tax year in which the payment was to be made, whichever is earlier.

(b) For the purpose of determining the penalty in subsection (5)(a), the amount of the underpayment is the required installment amount less the installment amount paid, if any, on or before the due date for the installment.

(c) For the purpose of determining the penalty in subsection (5)(a), an estimated payment must be credited against unpaid required installments in the order in which those installments are required to be paid.

(d) For each married taxpayer filing separately on the same form, the penalty provided for in subsection (5)(a) must be computed on the combined tax liability after reductions for credits and withholding, as shown on the taxpayer's return.

(e) A penalty may not be imposed with respect to any underpayment of the fourth installment of estimated taxes if:

(i) the taxpayer pays in full the amount computed on the return as payable; and

(ii) the taxpayer files a return on or before the last day of the month following the close of the tax year referred to in subsection (2)(a) or (2)(b).

(6) For the purposes of this section, "farmer or rancher" means a taxpayer who derives at least 66 2/3% of the taxpayer's gross income, as defined in 15-30-101(7), from farming or ranching operations, or both.

~~(6)~~*(7)* The department shall promulgate rules governing reasonable extensions of time for ~~filing declarations and~~ paying the estimated tax ~~except in the case of taxpayers who are abroad, and no such~~. *An* extension ~~shall~~ *may not* be for more than 6 months.

~~(7) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.~~

~~(8) Any individual who fails to file a declaration of estimated tax as required by this section is not subject to the penalties set forth in 15-30-321.~~"

Section 2. **Repealer.** Section 15-30-242, MCA, is repealed.

Section 3. **Appropriation.** There is appropriated from the general fund to the department of revenue $77,971 for fiscal year 1993 to implement the provisions of [this act].

Section 4. **Effective dates — applicability.** (1) Except for the purposes of subsection (2), [this act] is effective July 1, 1992, and applies to tax years beginning after December 31, 1992.

(2) For the purposes of promulgating administrative rules to implement [section 1], [this act] is effective on passage and approval.

Approved February 4, 1992.

CHAPTER NO. 18

[HB 17]

AN ACT TRANSFERRING TO THE GENERAL FUND THE REMAINING FUND BALANCE FROM THE GAMBLING LICENSE FEE ACCOUNT; AMENDING SECTION 23-5-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 23-5-306, MCA, is amended to read:

"23-5-306. Live card game table — permit — fees — disposition of fees. (1) A person who has been granted an operator's license under 23-5-177 and a license to sell alcoholic beverages for consumption on the premises may be granted an annual permit for the placement of live card game tables. If one or more live card game tables were legally operated on a premises on January 15, 1989, and the premises were not on that date licensed under 16-4-401(2) but were licensed on that date to sell food, cigarettes, or any other consumable product, an operator's license and an annual permit for the placement of live card game tables may be granted to the person who legally operated the premises on January 15, 1989.

(2) The annual permit fee in lieu of taxes for each live card game table operated in a licensed operator's premises may not be prorated and must be:

(a) $250 for the first table; and

(b) $500 for each additional table.

(3) The department shall retain for administrative purposes $100 of the fee collected under this part for each live card game table.

(4) ~~The~~ *Except as provided in subsection (5), the* department shall forward on a quarterly basis the remaining balance of the fee collected under subsection (2) to the treasurer of the county or the clerk, finance officer, or treasurer of the city or town in which the live card game table is located for deposit to the county or municipal treasury. A county is not entitled to proceeds from fees assessed on live card game tables located in incorporated cities and towns within the county. The local government portion of this fee is statutorily appropriated to the department, as provided in 17-7-502, for deposit to the county or municipal treasury.

(5) On June 30, 1993, the department shall transfer to the general fund the remaining fund balance from the account funded by this section."

Section 2. **Effective date — termination.** [This act] is effective on passage and approval and terminates July 1, 1993.

Approved February 4, 1992.

CHAPTER NO. 19

[HB 21]

AN ACT TRANSFERRING TO THE GENERAL FUND $250,000 FROM THE CRIME VICTIMS COMPENSATION ACCOUNT; AMENDING SECTION 53-9-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-9-109, MCA, is amended to read:

"53-9-109. Crime victims compensation account. *(1)* There is a crime victims compensation and assistance account in the state special revenue fund. There shall be paid into this account 18% of the fines assessed and bails forfeited, except those paid to a justice's court, on all offenses involving a violation of chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61 that are a result of citations or tickets issued by the highway patrol. ~~The~~ *Except as provided in subsection (2), the* money in the account is to be used solely for the purposes of this part and for victims' assistance program coordination and planning provided by the division. ~~No~~ *Except as provided in subsection (2), no* fund balance in the account at the end of a fiscal year may be deposited in the general fund.

(2) On or before June 30, 1992, the division shall transfer $250,000 from the crime victims compensation and assistance account to the general fund."

Section 2. **Effective date — termination.** [This act] is effective on passage and approval and terminates July 1, 1992.

Approved February 4, 1992.

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REVISING THE OFFICIAL ESTIMATE, CONTAINED IN HOUSE JOINT RESOLUTION NO. 24, LAWS OF 1991, OF THE STATE'S ANTICIPATED REVENUE FOR EACH YEAR OF THE 1992-93 BIENNIUM FOR THE PURPOSE OF ACHIEVING A BALANCED BUDGET AS MANDATED BY ARTICLE VIII, SECTION 9, OF THE MONTANA CONSTITUTION; ACCEPTING THE JUNE 30, 1991, GENERAL FUND AND STATE EQUALIZATION ACCOUNT BALANCES THAT WERE ESTABLISHED BASED ON GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; REQUESTING THE GOVERNOR'S OFFICE OF BUDGET AND PROGRAM PLANNING TO USE THE REVENUE ESTIMATES CONTAINED IN THIS RESOLUTION AS OFFICIAL REVENUE ESTIMATES FOR THE REMAINDER OF FISCAL YEAR 1992 AND FOR FISCAL YEAR 1993; AND ESTABLISHING AN ESTIMATE OF THE NON-GENERAL FUND REVENUES FOR THE STATE EQUALIZATION ACCOUNT.

WHEREAS, Article VI, section 9, of the Montana Constitution requires the Governor to submit to the Legislature a budget for the ensuing fiscal period, containing in detail the estimated revenue of the state; and

WHEREAS, Article VIII, section 9, of the Montana Constitution prohibits the Legislature from appropriating funds in excess of the anticipated revenue of the state; and

WHEREAS, it became apparent shortly after the adjournment of the 52nd regular session that there would be a shortfall in anticipated revenue, primarily in individual income taxes, oil severance taxes, and interest earnings; and

WHEREAS, the Office of Budget and Program Planning has projected that revenue collections for fiscal years 1991, 1992, and 1993 will be $73.3 million less than estimated by the Legislature in House Joint Resolution No. 24; and

WHEREAS, section 10, Chapter 787, Laws of 1991 (codified as section 17-7-140, MCA), delegates authority to the Governor to reduce appropriations in the event of a shortfall in revenue; and

WHEREAS, for the last 20 years, the Montana Legislature has similarly delegated this authority to the Governor in the general appropriations acts; and

WHEREAS, the Governor signed Executive Order No. 28-91, which directed state agencies and the University System to balance the state budget by reducing expenditures, transferring fund balances, revising revenue estimates, and transferring other funds; and

WHEREAS, several associations affiliated with the University System and four legislators filed suit in the Montana First Judicial District, Lewis and Clark County, challenging the constitutionality of the Montana Legislature's delegation of authority to the Governor to reduce appropriations, as provided in section 17-7-140, MCA; and

WHEREAS, Judge Jeffrey Sherlock determined that section 17-7-140, MCA, is an unconstitutional delegation of that authority; and

WHEREAS, the official statement for the issuance of $85 million in tax revenue and anticipation notes indicated that the Governor would call a special session of the Legislature if he was enjoined from balancing the budget under Executive Order No. 28-91 and if there were no available alternatives for the management of the state's budget on a financially sound basis; and

WHEREAS, the Governor issued a call for a special session to begin January 6, 1992, to address the disparity between budgeted expenditures and anticipated revenue; and

WHEREAS, the Montana Legislature must revise its revenue estimates to responsibly deal with the budget crisis; and

WHEREAS, section 5-18-107(5), MCA, requires the Revenue Oversight Committee to estimate the amount of revenue projected to be available for legislative appropriation for use until amended or until final adoption of the estimate by both houses; and

WHEREAS, the Revenue Oversight Committee, in anticipation of the special session, has revised its assumptions relating to revenue estimates for individual and corporation income taxes, oil and coal severance taxes, earnings on investments, statewide mill levies, and lottery receipts; and

WHEREAS, because of the complexity of economic variables involved in revenue forecasting and the diversity of sources from which state revenues are obtained, the Committee limited its revised assumptions to those areas described above; and

WHEREAS, given the magnitude of the fiscal crisis facing the State of Montana and given the Legislature's constitutional responsibility to balance the budget, it is in the best interests of the state that revenue forecasts be discussed and determined in public hearings at which all interested people may attend and participate.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the state general fund revenue for fiscal years 1992 and 1993 is estimated to be $469,896,000 and $484,634,000, respectively. The school foundation revenue for fiscal years 1992 and 1993 is estimated to be $375,407,000 and $371,494,000, respectively.

BE IT FURTHER RESOLVED, that the Legislature accepts for budget purposes the unreserved fund balance of $58,700,000 for the general fund and $9,482,000 for the state equalization account, prepared according to generally accepted accounting principles as published in the audited state financial statements as of June 30, 1991.

BE IT FURTHER RESOLVED, that the Governor's Office of Budget and Program Planning use, as contemplated in section 5-18-107(5), MCA, the revenue estimates contained in this resolution as the official revenue estimates for fiscal years 1992 and 1993.

GENERAL FUND REVENUE

The revised projections for total general fund revenue during the 1992-93 biennium are based on an assumption of a continuation of Montana law as it existed on January 1, 1992.

The revenue estimates contained in the following tables are based on the assumptions stated previously in this resolution and those listed in the following tables.

ECONOMIC ASSUMPTIONS

Revenue Oversight Committee

YEAR	ASSUMPTION	CY/FY 1991	CY/FY 1992	CY/FY 1993
	MT Population July 1 (Thousands)	800.000	804.000	808.000
	MT Population > = 16 July 1 (Thousands)	609.000	613.000	617.000
	MT Population 18-24 July 1 (Thousands)	67.000	64.000	61.000
CY	MT Nonfarm Employment (Thousands)	300.800	304.500	307.100
CY	MT Personal Income (Billions)	$12.506	$12.969	$13.586
CY	MT Nonfarm Wage & Salary Income (Billions)	$5.964	$6.229	$6.497
CY	Interest & Dividend Income (Percent change)	5.570%	4.440%	4.300%
CY	Net Business Income (Percent change)	5.570%	4.440%	4.300%
CY	Capital Gains/Losses Income (Percent change)	0.300%	0.300%	0.300%
CY	Rent/Royalty/Partnership Income (Percent change)	14.000%	12.000%	10.000%
CY	Other Nonwage & Salary Income (Percent change)	5.570%	4.440%	4.300%
CY	CPI Percent Change	4.130%	3.500%	4.000%
CY	U.S. Corporate Profits Before Taxes (Billions)	$282.000	$310.900	$349.300
CY	Short-Term Interest Rate	6.080%	5.800%	6.500%
CY	Long-Term Interest Rate	8.840%	8.500%	9.500%
CY	Prime Interest Rate	9.810%	10.000%	10.000%
FY	Treasury Cash Average Balance (Millions)	$273.426	$239.636	$211.601
FY	TRANS Issue (Millions)	$0.000	$85.000	$145.000
FY	Basis Points (Percentage)	0.000%	1.000%	1.000%
FY	Individual Income Tax Audits (Millions)	$11.266	$14.077	$16.397
FY	Legislative Audits (Millions)	$0.000	$0.750	$0.750
FY	Corporation Tax Audits (Millions)	$8.109	$10.155	$13.257
FY	Other Audits (Millions)			$0.200
CY	Total Oil Production (Million bbls.)	18.358	17.807	17.273
CY	Montana Oil Price	$18.200	$18.000	$18.000
FY	Statewide Taxable Valuation (Millions)	$1,564.317	$1,572.956	$1,601.896
CY	Total Coal Production (Million tons)	35.182	34.515	34.375
CY	Montana Coal Price (CSP)	$7.564	$7.540	$7.530
FY	Coal Tax Credits (Millions)	$4.996	$2.449	$0.000
CY	Total Natural Gas Production (M MCF)	45.622	47.304	47.437
CY	Montana Natural Gas Price ($/MCF)	$1.773	$1.907	$2.097
CY	Copper Production (M lbs.)	135.762	137.863	130.776
CY	Gold Production (M ozs.)	0.348	0.345	0.347
CY	Silver Production (M ozs.)	6.449	6.454	6.457
CY	Lead Production (M lbs.)	11.665	11.674	11.739
CY	Zinc Production (M lbs.)	32.029	32.421	32.602
CY	Molybdenum Production (M lbs.)	14.100	10.900	9.300
CY	Palladium Production (M ozs.)	0.200	0.222	0.290
CY	Platinum Production (M ozs.)	0.061	0.067	0.088
CY	Copper Price	$1.046	$1.038	$1.042
CY	Gold Price	$400.675	$400.675	$400.675
CY	Silver Price	$4.775	$4.775	$4.775
CY	Lead Price	$0.209	$0.209	$0.209
CY	Zinc Price	$0.502	$0.502	$0.502
CY	Molybdenum Price	$3.119	$3.112	$3.115
CY	Palladium Price	$132.725	$132.725	$132.725
CY	Platinum Price	$453.253	$453.253	$453.253
FY	Forest Receipts (Millions)	$11.150	$7.753	$7.705
FY	Permanent Trust Gains/Losses (Millions)	$1.195	$1.195	$1.195
FY	Common School Trust Gains/Losses (Millions)	$1.231	$1.231	$1.231
FY	Resource Ind. Trust Gains/Losses (Millions)	$0.339	$0.339	$0.339
FY	Park Acq. Trust Gains/Losses (Millions)	$0.054	$0.054	$0.054
FY	Liquor Unit Sales (Millions)	4.780	4.680	4.582
FY	Wine Unit Sales (Millions)	0.100	0.083	0.067

YEAR	ASSUMPTION	CY/FY 1991	CY/FY 1992	CY/FY 1993
FY	Liquor Cost Per Unit	$4.977	$5.066	$5.156
FY	Wine Cost Per Unit	$3.258	$3.372	$3.483
FY	Liquor Division Budget (Percent change)	0.000%	0.000%	0.000%
FY	Cigarette Packs (Millions)	68.874	68.068	67.156
FY	Tobacco Value (Millions)	$7.626	$8.053	$8.490
FY	Insurance Premiums Growth (Percent change)	1.890%	1.890%	1.890%
FY	Insurance Premiums Tax Credit	$3.231	$4.311	$5.391
FY	Police & Firemen Retirement (Millions)	$6.213	$6.391	$6.479
CY	Telephone Taxable Income (Percent change)	$234.185	$241.724	$250.770
CY	Kilowatt Hours Produced (Millions)	22,664.000	22,682.000	22,663.000
FY	Barrels of Beer (Millions)	0.702	0.706	0.711
CY	Freight Line Earnings (Millions)	$21.757	$21.768	$21.699
FY	Liters of Wine (Millions)	5.036	4.907	4.785
FY	Video Machine Net Income (Millions)	$126.079	$139.382	$150.333
FY	Statewide Vehicle Value (Millions)	$1,905.049	$1,935.412	$1,986.326
FY	Per Capita Lottery Sales	$27.000	$32.700	$35.400

Current Law
General Fund Revenue Estimates
(In Millions)

Source of Revenue	Estimated FY 1992	Estimated FY 1993	Estimated FY 1992 and 1993
Individual Income Tax	$199.084000	$203.714000	$402.798000
Corporation License Tax	32.517000	37.190000	69.707000
Coal Severance Tax	6.086000	5.864000	11.950000
Oil Severance Tax	16.466000	15.908000	32.374000
Interest on Investments	17.660000	21.717000	39.377000
Long-Range Bond Excess	42.551000	43.932000	86.483000
Coal Trust Interest Income	43.103000	44.188000	87.291000
Insurance Premiums Tax	18.518000	17.885000	36.403000
Public Institutions Reimb.	13.448000	13.028000	26.476000
Liquor Profits	5.363000	4.301000	9.664000
Liquor Excise Tax	5.710000	5.691000	11.401000
Inheritance Tax	9.704000	9.969000	19.673000
Metal Mines Tax	4.661000	4.460000	9.121000
Electrical Energy Tax	4.239000	4.241000	8.480000
Driver's License Tax	1.571000	1.577000	3.148000
Telephone License Tax	4.009000	4.325000	8.334000
Beer License Tax	1.272000	1.280000	2.552000
Natural Gas Severance Tax	1.634000	1.816000	3.450000
Freight Line Tax	1.197000	1.193000	2.390000
Wine Tax	0.785000	0.766000	1.551000
Video Gaming Income Tax	6.973000	7.448000	14.421000
Motor Vehicle Account	7.882000	8.056000	15.938000
Vehicle Fees	2.710000	2.781000	5.491000
Public Contractor's Tax	1.070000	1.067000	2.137000
Other Revenue Sources	21.683000	22.237000	43.920000
Grand Total	$469.896000	$484.634000	$954.530000

Current Law
Foundation Program Revenue Estimates
(In Millions)

Source of Revenue	Estimated FY 1992	Estimated FY 1993	Estimated FY 1992 and 1993
State Revenue			
Income Tax	$90.349000	$92.450000	$182.799000
Corporation Tax	15.193000	17.376000	32.569000
Coal Tax	4.508000	4.344000	8.852000
Interest & Income	37.897000	38.808000	76.705000
U.S. Oil & Gas Royalties	25.005000	24.395000	49.400000
Education Trust Interest	0.054000	0.055000	0.109000
State Equal. Account Interest	0.290000	0.000000	0.290000
Permanent Trust Interest	7.606000	7.798000	15.404000
Lottery	5.025000	5.048000	10.073000
Statewide 40 Mills	63.003000	64.161000	127.164000
Miscellaneous	14.937000	8.838000	23.775000
County Levy Surplus	0.000000	0.000000	0.000000
Total State	$263.867000	$263.273000	$527.140000
Statewide Taxable Valuation	1572.956000	1601.896000	Not Applicable
County Revenue			
55 Mills	$86.513000	$88.104000	$174.617000
Elementary Transportation	0.000000	0.000000	0.000000
Cash Reappropriated	6.718000	1.119000	7.837000
Forest Funds	1.744000	1.409000	3.153000
Taylor Grazing	0.119000	0.114000	0.233000
Miscellaneous	17.439000	18.374000	35.813000
High School Tuition	-0.993000	-0.899000	-1.892000
Total County	$111.540000	$108.221000	$219.761000
Total State & County	$375.407000	$371.494000	$746.901000

HOUSE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE DIRECTOR OF THE DEPARTMENT OF COMMERCE TO REVIEW THE FUNDS AND FUND BALANCES OF THE BOARDS ATTACHED TO THE DEPARTMENT AND TO REPORT THE FINDINGS TO THE REVENUE OVERSIGHT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE.

WHEREAS, the State of Montana will face continued fiscal problems in the 1995 biennium; and

WHEREAS, the various boards attached to the Department of Commerce have financial resources totaling in excess of $5 billion; and

WHEREAS, these resources should be carefully reviewed to determine if the resources are being used to properly meet the needs of the state and if any of the resources can be transferred to the general fund in order to help address the state's fiscal problems; and

WHEREAS, the Governor has directed this special session to "consider action that would consider transfer of various funds and the diversion of revenues from other funds to the general fund".

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Director of the Department of Commerce review the various funds and fund balances of the boards attached to the Department and present the findings and any proposed actions to the Revenue Oversight Committee and the Legislative Finance Committee.

CODE SECTIONS AFFECTED

Title-Ch.-Sec.	Action	Chapter No.	Bill No.
2-4-313	amended	6	HB 0009
2-6-211	amended	6	HB 0009
13-10-102	enacted	2	SB 0002
15-30-241	amended	17	HB 0014
15-30-242	repealed effective 07/01/92	17	HB 0014
15-35-108	amended	8	HB 0013
15-35-108	amended	16	HB 0010
17-3-1003	amended	14	HB 0003
17-5-703	amended	12	SB 0005
17-5-704	amended	12	SB 0005
17-6-310	amended	12	SB 0005
17-7-301	amended	11	SB 0004
17-7-311	enacted	11	SB 0004
19-15-101	amended	10	SB 0001
19-15-102	amended	10	SB 0001
20-9-341	amended	14	HB 0003
20-9-466	enacted	12	SB 0005
20-9-467	enacted	12	SB 0005
20-9-601	amended	14	HB 0003
22-2-304	amended	8	HB 0013
23-5-306	amended	18	HB 0017
39-51-404	amended	15	HB 0004
39-51-406	amended	15	HB 0004
53-1-302	amended	4	HB 0005
53-9-109	amended	19	HB 0021
61-2-107	amended	5	HB 0006
61-2-108	amended	5	HB 0006
61-5-121	amended	5	HB 0006
61-12-504	amended	5	HB 0006
77-1-602	amended	14	HB 0003
90-3-305	amended	9	HB 0018
90-3-525	amended	9	HB 0018

SESSION LAWS AFFECTED

Laws Affected	Action	Chapter No.	Bill No.
Laws of 1991			
Ch. 526, sec. 9	amended	13	HB 0002
Ch. 546, sec. 2	amended	13	HB 0002
Ch. 551, sec. 12	amended	7	HB 0012
Ch. 552, sec. 5	amended	7	HB 0012
Ch. 559, sec. 4	amended	13	HB 0002
Ch. 604, sec. 16	amended	13	HB 0002

Ch. 634, sec. 6	amended	13	HB	0002
Ch. 707, sec. 1	amended	13	HB	0002
Ch. 720, sec. 16	amended	13	HB	0002
Ch. 725, sec. 7	repealed	13	HB	0002
Ch. 753, sec. 1	amended	13	HB	0002
Ch. 765, sec. 12	amended	13	HB	0002
Ch. 774, sec. 6	amended	13	HB	0002
Ch. 781, sec. 9	amended	13	HB	0002
Ch. 815, sec. 2, 6, 7, 9, 15, 16	amended	13	HB	0002
Ch. 816, sec. 5	amended	13	HB	0002
Ch. 820, sec. 1	amended	13	HB	0002
Ch. 823, sec. 22	amended	10	SB	0001

BILL NUMBER to CHAPTER NUMBER

Bill No.	Chapter No.
HB 1	1
HB 2	13
HB 3	14
HB 4	15
HB 5	4
HB 6	5
HB 9	6
HB 10	16
HB 12	7
HB 13	8
HB 14	17
HB 17	18
HB 18	9
HB 19	3
HB 21	19
SB 1	10
SB 2	2
SB 4	11
SB 5	12

CHAPTER NUMBER to BILL NUMBER

Chapter No.	Bill No.
Ch. 1	HB 1
Ch. 2	SB 2

Ch. 3 HB 19
Ch. 4 HB 5
Ch. 5 HB 6
Ch. 6 HB 9
Ch. 7 HB 12
Ch. 8 HB 13
Ch. 9 HB 18
Ch. 10 SB 1
Ch. 11 SB 4
Ch. 12 SB 5
Ch. 13 HB 2
Ch. 14 HB 3
Ch. 15 HB 4
Ch. 16 HB 10
Ch. 17 HB 14
Ch. 18 HB 17
Ch. 19 HB 21

EFFECTIVE DATES BY CHAPTER NUMBER

Chapter No.	Bill No.	Effective Date
Ch. 1	HB 1	01/13/92
Ch. 2	SB 2	01/14/92
Ch. 3	HB 19	(Contingent upon voter approval*)
Ch. 4	HB 5	01/21/92
Ch. 5 (§§ 1-4, 7)	HB 6	01/21/92
(§§ 5, 6)	HB 6	07/01/93
Ch. 6	HB 9	01/21/92
Ch. 7	HB 12	01/21/92
Ch. 8	HB 13	07/01/92
Ch. 9	HB 18	01/21/92
Ch. 10 (§§ 1, 4)	SB 1	01/21/92
(§§ 2, 3)	SB 1	07/01/92
Ch. 11	SB 4	01/21/92
Ch. 12 (§§ 1-6, 8)	SB 5	01/21/92
Ch. 13	HB 2	02/04/92
Ch. 14	HB 3	02/04/92
Ch. 15	HB 4	02/04/92
Ch. 16	HB 10	02/04/92
Ch. 17	HB 14	07/01/92
Ch. 18	HB 17	02/04/92
Ch. 19	HB 21	02/04/92

*If HB 19 is passed and approved by the electorate, then section 3 of SB 5 and section 4 of HB 19 are void and section 7 of SB 5 is effective on the date of approval by the electorate.

EFFECTIVE DATES BY DATE

Effective Date	Chapter No.	Bill No.
01/13/92	Ch. 1	HB 1
01/14/92	Ch. 2	SB 2
01/21/92	Ch. 4	HB 5
01/21/92	Ch. 5 (§§ 1-4, 7)	HB 6
01/21/92	Ch. 6	HB 9
01/21/92	Ch. 7	HB 12
01/21/92	Ch. 9	HB 18
01/21/92	Ch. 10 (§§ 1, 4)	SB 1
01/21/92	Ch. 11	SB 4
01/21/92	Ch. 12 (§§ 1-6, 8)	SB 5
02/04/92	Ch. 13	HB 2
02/04/92	Ch. 14	HB 3
02/04/92	Ch. 15	HB 4
02/04/92	Ch. 16	HB 10
02/04/92	Ch. 18	HB 17
02/04/92	Ch. 19	HB 21
07/01/92	Ch. 8	HB 13
07/01/92	Ch. 10 (§§ 2, 3)	SB 1
07/01/92	Ch. 17	HB 14
07/01/93	Ch. 5 (§§ 5, 6)	HB 6
Contingent upon voter approval*	Ch. 3	HB 19

*If HB 19 is passed and approved by the electorate, then section 3 of SB 5 and section 4 of HB 19 are void and section 7 of SB 5 is effective on the date of approval by the electorate.

JANUARY 1992 SPECIAL SESSION SESSION LAW TO CODE

Ch.	Sec.	MCA
1	1	Operations appropriations
	2	Legislative fiscal analyst appropriation
	3	Effective date
2	1	13-10-102
	2	Severability
	3	Effective date
3	1-11	Referendum creating treasure state endowment program
4	1	53-1-302
	2	Effective date — termination
5	1	61-2-107
	2	61-2-108
	3	61-5-121
	4	61-12-504
	5	61-5-121
	6	61-12-504
	7	Effective dates — termination
6	1	2-4-313
	2	2-6-211
	3	Effective date — termination
7	1	Sec. 12, Ch. 551, L. 1991
	2	Sec. 5, Ch. 552, L. 1991
	3	Effective date
8	1	15-35-108
	2	22-2-304
	3	Effective date — termination
9	1	90-3-305
	2	90-3-525
	3	Effective date — termination
10	1	Sec. 22, Ch. 823, L. 1991
	2	19-15-101
	3	19-15-102
	4	Effective dates — retroactive applicability
11	1	17-7-301
	2	17-7-311
	3	Codification instruction
	4	Effective date
12	1	20-9-466
	2	20-9-467
	3	17-5-703 (void on approval by electorate of Ch. 3, Sp. L. January 1992)
	4	17-5-704
	5	17-6-310
	6	Codification instruction
	7	17-5-703 (effective on approval by electorate of Ch. 3, Sp. L. January 1992)
	8	Effective dates — coordination

13	1	Ch. 815, L. 1991
	2	Sec. 9, Ch. 526, L. 1991
	3	Sec. 2, Ch. 546, L. 1991
	4	Sec. 4, Ch. 559, L. 1991
	5	Sec. 16, Ch. 604, L. 1991
	6	Sec. 6, Ch. 634, L. 1991
	7	Sec. 1, Ch. 707, L. 1991
	8	Sec. 16, Ch. 720, L. 1991
	9	Sec. 1, Ch. 753, L. 1991
	10	Sec. 12, Ch. 765, L. 1991
	11	Sec. 6, Ch. 774, L. 1991
	12	Sec. 9, Ch. 781, L. 1991
	13	Sec. 5, Ch. 816, L. 1991
	14	Sec. 1, Ch. 820, L. 1991
	15	Repealer
	16	Effective date
14	1	Acceptance of amendment
	2	17-3-1003
	3	20-9-341
	4	20-9-601
	5	77-1-602
	6	Effective date — termination
15	1	39-51-404
	2	39-51-406
	3	Effective date — termination
16	1	15-35-108
	2	Effective date — termination
17	1	15-30-241
	2	Repealer
	3	Appropriation
	4	Effective dates — applicability
18	1	23-5-306
	2	Effective date — termination
19	1	53-9-109
	2	Effective date — termination

MONTANA

CODE

ANNOTATED



JANUARY 1992

SPECIAL SESSION

MONTANA CODE ANNOTATED

Adopted by Chapter 1, Laws of 1979

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&
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TITLE 2

GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 4

ADMINISTRATIVE PROCEDURE ACT

Part 3

Adoption and Publication of Rules

2-4-313. *(Temporary)* **Distribution, costs, and maintenance.** (1) The secretary of state shall distribute copies of ARM and supplements or revisions thereto to the following:

(a) attorney general, one copy;

(b) clerk of United States district court for the district of Montana, one copy;

(c) clerk of United States court of appeals for the ninth circuit, one copy;

(d) county commissioners or governing body of each county of this state, for use of county officials and the public, at least one but not more than two copies, which may be maintained in a public library in the county seat or in the county offices as the county commissioners or governing body of the county may determine;

(e) state law library, one copy;

(f) state historical society, one copy;

(g) each unit of the Montana university system, one copy;

(h) law library of the university of Montana, one copy;

(i) legislative council, two copies;

(j) library of congress, one copy;

(k) state library, one copy.

(2) The secretary of state, each county in the state, and the librarians for the state law library and the university of Montana law library shall maintain a complete, current set of ARM, including supplements or revisions thereto. Such persons shall also maintain the register issues published during the preceding 2 years. The secretary of state shall also maintain a permanent set of the registers.

(3) The secretary of state shall make copies of and subscriptions to ARM and supplements or revisions thereto and the register available to any person at prices fixed in accordance with subsection (4).

(4) The secretary of state, in consultation with the administrative code committee, shall determine the cost of supplying copies of ARM and supplements or revisions thereto and the register to persons not listed in subsection

(1). The cost shall be the approximate cost of publication of such copies, including indexing, printing or duplicating, and mailing. However, a uniform price per page or group of pages may be established without regard to differences in cost of printing different parts of ARM and supplements or revisions thereto and the register.

(5) The secretary of state shall deposit fees he collects in the amount of $20,000 for fiscal year 1993 in the general fund on or before June 30, 1993, and shall deposit all other fees in an account within the state special revenue fund created for paying the expenses of publication of ARM and the register.

(6) The secretary of state may charge agencies a filing fee for all material to be published in ARM or the register. He shall fix, in consultation with the administrative code committee, the fee to cover the costs of supplying copies of ARM and supplements or revisions thereto and the register to the persons listed in subsection (1). The cost shall be the approximate cost of publication of such copies, including indexing, printing or duplicating, and mailing. However, a uniform price per page or group of pages may be established without regard to differences in cost of printing different parts of ARM and supplements or revisions thereto and the register. *(Terminates July 1, 1993—sec. 3, Ch. 6, Sp. L. January 1992.)*

2-4-313. *(Effective July 1, 1993)* **Distribution, costs, and maintenance.** (1) The secretary of state shall distribute copies of ARM and supplements or revisions thereto to the following:

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(4) The secretary of state, in consultation with the administrative code committee, shall determine the cost of supplying copies of ARM and supplements or revisions thereto and the register to persons not listed in subsection (1). The cost shall be the approximate cost of publication of such copies, including indexing, printing or duplicating, and mailing. However, a uniform price per page or group of pages may be established without regard to differences in cost of printing different parts of ARM and supplements or revisions thereto and the register.

(5) The secretary of state shall deposit all fees he collects in an account within the state special revenue fund created for paying the expenses of publication of ARM and the register.

(6) The secretary of state may charge agencies a filing fee for all material to be published in ARM or the register. He shall fix, in consultation with the administrative code committee, the fee to cover the costs of supplying copies of ARM and supplements or revisions thereto and the register to the persons listed in subsection (1). The cost shall be the approximate cost of publication of such copies, including indexing, printing or duplicating, and mailing. However, a uniform price per page or group of pages may be established without regard to differences in cost of printing different parts of ARM and supplements or revisions thereto and the register.

History: En. Sec. 6, Ch. 2, Ex. L. 1971; amd. Sec. 11, Ch. 285, L. 1977; R.C.M. 1947, 82-4206(5) thru (8), (10), (11); amd. Sec. 11, Ch. 243, L. 1979; amd. Sec. 1, Ch. 163, L. 1983; amd. Sec. 3, Ch. 277, L. 1983; amd. Sec. 1, Ch. 397, L. 1985; amd. Sec. 2, Ch. 580, L. 1987; amd. Sec. 1, Ch. 6, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 6 in (5) inserted language requiring the deposit of $20,000 for fiscal year 1993 in the general fund on or before June 30, 1993. Amendment effective January 21, 1992.

Effective Date — Termination: Section 3, Ch. 6, Sp. L. January 1992, provided: "[This act] is effective on passage and approval [approved January 21, 1992] and terminates July 1, 1993."

CHAPTER 6

PUBLIC RECORDS

Part 2

Public Records Management

2-6-211. *(Temporary)* **Transfer of public records.** (1) All public records not required in the current operation of the office where they are made or kept and all records of each agency, commission, committee, or any other activity of the executive branch of state government which may be abolished or discontinued shall be, in accordance with approved records retention schedules, either transferred to the state records center or transferred to the

custody of the state archives if such records are considered to have permanent administrative or historical value.

(2) When records are transferred to the state records center, the agency so doing loses none of its rights of control and access. The state records center is only a custodian of the agency records, and access will only be by agency approval. Agency records for which the state records center acts as custodian may not be subpoenaed from the state records center but must be subpoenaed from the agency to which the records belong. Fees may be charged to cover the cost of records storage and servicing. On or before June 30, 1993, the secretary of state shall transfer $20,000 to the general fund from the proprietary account funded by this section.

(3) If an agency does not wish to transfer records as provided in an approved retention schedule, the agency shall, within 30 days, notify the secretary of state and request a change in the schedule. *(Terminates July 1, 1993—sec. 3, Ch. 6, Sp. L. January 1992.)*

2-6-211. *(Effective July 1, 1993)* **Transfer of public records.** (1) All public records not required in the current operation of the office where they are made or kept and all records of each agency, commission, committee, or any other activity of the executive branch of state government which may be abolished or discontinued shall be, in accordance with approved records retention schedules, either transferred to the state records center or transferred to the custody of the state archives if such records are considered to have permanent administrative or historical value.

(2) When records are transferred to the state records center, the agency so doing loses none of its rights of control and access. The state records center is only a custodian of the agency records, and access will only be by agency approval. Agency records for which the state records center acts as custodian may not be subpoenaed from the state records center but must be subpoenaed from the agency to which the records belong. Fees may be charged to cover the cost of records storage and servicing.

(3) If an agency does not wish to transfer records as provided in an approved retention schedule, the agency shall, within 30 days, notify the secretary of state and request a change in the schedule.

History: En. 82-3340 by Sec. 9, Ch. 339, L. 1977; R.C.M. 1947, 82-3340; amd. Sec. 3, Ch. 378, L. 1991; amd. Sec. 2, Ch. 6, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 6 in (2) inserted last sentence requiring transfer of $20,000 from the proprietary account to the general fund on or before June 30, 1993. Amendment effective January 21, 1992.

Effective Date — Termination: Section 3, Ch. 6, Sp. L. January 1992, provided: "[This act] is effective on passage and approval [approved January 21, 1992] and terminates July 1, 1993."

1991 Amendment: In (3) substituted reference to Secretary of State for reference to Department of Administration. Amendment effective July 1, 1991.

TITLE 13

ELECTIONS

CHAPTER 10

PRIMARY ELECTIONS AND NOMINATIONS

Part 1

General Provisions

13-10-102. Redistricting of congressional districts — contingent primary filing, primary election, and general election procedures. (1) (a) Except as provided in subsection (2), for the filing period beginning January 21, 1992, and ending March 19, 1992, the secretary of state shall accept declarations of nomination for the office of congressional representative for both a first and second district for the state of Montana, as established by the two-district plan provided for in subsection (3). Both offices must be placed on the ballot for the June 2, 1992, primary election.

(b) If a final determination is made before the 1992 primary election that Montana is entitled to only one congressional representative in the 103rd United States congress, the nominations for the office of congressional representative are vacant and the vacancies must be filled as provided in 13-10-326. Votes cast at the primary for candidates for the offices of first and second district congressional representative must be counted, and the returns must be canvassed as provided in Title 13, chapter 15, but no declaration of nomination may be issued under 13-15-507.

(c) If a final determination is made after the 1992 primary election but before the November 1992 general election that Montana is entitled to only one congressional representative in the 103rd United States congress, declarations of nomination issued pursuant to 13-15-507 are invalid, the nominations for the office of congressional representative are vacant, and the vacancies must be filled as provided in 13-10-327. If the date of the final determination is less than 75 days before the 1992 general election, each political party shall appoint a candidate within 5 days after being notified of the vacancies by the secretary of state, as provided in 13-10-327(2). An independent candidate who wishes to file for the office of congressional representative shall file a petition for nomination within the time provided by this subsection for political parties to file their candidate nominations with the secretary of state.

(2) If a final determination is made on or before April 7, 1992, that Montana is entitled to only one congressional representative in the 103rd United States congress, the secretary of state shall accept declarations of nomination for the office of congressional representative for only one district

until March 19, 1992, or for a period of 3 working days from the date of the final determination, whichever is later, and shall place only one congressional representative office on the ballot for the 1992 primary election. If the final determination is made after March 19, 1992, and before April 7, 1992, the filing deadline in 13-10-201(6) does not apply.

(3) (a) As soon as is practical after January 14, 1992, the Montana districting and apportionment commission shall prepare and hold a hearing on a plan for two congressional districts based on the official 1990 census data. For purposes of subsection (1)(a), the plan must be used by the secretary of state to determine the congressional district in which an elector resides.

(b) If a final determination results in Montana being entitled to two congressional representatives, the commission shall immediately file the two-district plan with the secretary of state. Upon filing, the two-district plan becomes law and applies retroactively to the date that the one-district plan was filed. The two-district plan must state that under the authority of the commission, the two-district plan supersedes the one-district plan filed in April 1991.

History: En. Sec. 1, Ch. 2, Sp. L. January 1992.

Compiler's Comments

Effective Date: Section 3, Ch. 2, Sp. L. January 1992, provided: "[This act] is effective on passage and approval." Approved January 14, 1992.

TITLE 15

TAXATION

CHAPTER 30

INDIVIDUAL INCOME TAX

Part 2

Withholding and Estimated Tax

15-30-241. *(Temporary)* **Declaration of estimated tax.** (1) Every individual except farmers, ranchers, or stockmen shall, at the time prescribed in subsection (3) of this section, make a declaration of his estimated tax for the taxable year if his net income from sources other than wages, salaries, bonuses, or other emoluments can reasonably be expected to equal or exceed his net income from wages, salaries, bonuses or other emoluments, which are subject to withholding.

(2) In the declaration required under subsection (1) of this section, the individual shall state:

(a) the amount which he estimates as the amount of tax under 15-30-103 for the taxable year;

(b) the amount which he estimates will be withheld from wages paid by his employer if said individual is an employee;

(c) the excess of the amount estimated under subsection (2)(a) over the amount estimated under subsection (2)(b), which excess for purposes of this section shall be considered the estimated tax for the taxable year;

(d) such other information as may be prescribed in rules promulgated by the department.

(3) The declaration required under subsection (1) of this section shall be filed with the department on or before April 15 of the taxable year, except that if the requirements of subsection (1) of this section are first met:

(a) after April 1 and before October 1 of the taxable year, the declaration shall be filed on or before October 15 of the taxable year;

(b) after October 1 of the taxable year, the declaration shall be filed on or before February 15 of the succeeding taxable year.

(4) An individual may make amendments of a declaration filed during the taxable year under subsection (3) of this section under rules prescribed by the department.

(5) If, on or before February 15 of the succeeding taxable year, the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on his return as payable, then under rules prescribed by the department:

(a) if the declaration is not required to be filed during the taxable year but is required to be filed on or before such February 15, such return shall for the purposes of this section be considered as such declaration; and

(b) if the tax shown on the return is greater than the estimated tax shown in a declaration previously made or in the last amendments thereof, such return shall for the purposes of this section be considered as the amendment of the declaration permitted by subsection (4) of this section to be filed on or before such February 15.

(6) The department shall promulgate rules governing reasonable extensions of time for filing declarations and paying the estimated tax except in the case of taxpayers who are abroad, and no such extension shall be for more than 6 months.

(7) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(8) Any individual who fails to file a declaration of estimated tax as required by this section is not subject to the penalties set forth in 15-30-321.

15-30-241. *(Effective July 1, 1992)* **Estimated tax — payment — exceptions — penalty.** (1) (a) Each individual subject to tax under this chapter, except farmers or ranchers as defined in subsection (6), shall pay for the tax year, through employer withholding, as provided in 15-30-202, through payment of estimated tax in four installments, as provided in subsection (2) of this section, or through a combination of employer withholding and estimated tax payments, at least:

(i) 90% of the tax for the current tax year, less tax credits and withholding allowed the taxpayer; or

(ii) an amount equal to 100% of the individual's tax liability for the preceding tax year, if the preceding tax year was a period of 12 months and if the individual filed a return for the tax year.

(b) Payment of estimated taxes under this section is not required if:

(i) the combined tax liability of employer withholding and estimated tax for the current year is less than $500 after reductions for credits and withholding;

(ii) the individual did not have any tax liability for the preceding tax year, which was a tax year of 12 months, and if the individual was a citizen or resident of the United States throughout that tax year;

(iii) the underpayment was caused by reason of casualty, disaster, or other unusual circumstances that the department determines to constitute good cause; or

(iv) the individual retired in the tax year after having attained the age of 62 or if the individual became disabled in the tax year. In addition, payment of estimated taxes under this section is not required in the tax year following the tax year in which the individual retired or became disabled.

(2) Estimated taxes must be paid in four installments according to one of the following schedules:

(a) For each taxpayer whose tax year begins on January 1, estimated tax payments are due on the following dates:

Installment	Date
First	April 15
Second	June 15
Third	September15
Fourth	January 15 of the following tax year

(b) For each taxpayer whose tax year begins on a date other than January 1, estimated tax payments are due on the following dates:

Installment	Date
First	15th day of the 4th month following the beginning of the tax year
Second	15th day of the 6th month following the beginning of the tax year
Third	15th day of the 9th month following the beginning of the tax year
Fourth	15th day of the month following the close of the tax year

(3) (a) Except as provided in subsection (4), each installment must be 25% of the required annual payment determined pursuant to subsection (1). If the taxpayer's tax situation changes, each succeeding installment must be

proportionally changed so that the balance of the required annual payment is paid in equal installments over the remaining period of time.

(b) If the taxpayer's tax situation changes after the date for the first installment or any subsequent installment, as specified in subsection (2)(a) or (2)(b), so that the taxpayer is required to pay estimated taxes, the taxpayer shall pay 25% for each succeeding installment except for the first one in which a payment is required. For estimated taxes required to be paid beginning with the second installment provided for in subsection (2)(a) or (2)(b), the taxpayer shall pay 50% for that installment and 25% for the third and fourth installments, respectively. For estimated taxes required to be paid beginning with the third installment provided for in subsection (2)(a) or (2)(b), the taxpayer shall pay 75% for that installment and 25% for the fourth installment.

(4) (a) If for any required installment the taxpayer determines that the installment payment is less than the amount determined under subsection (3)(a), the lower amount may be paid as an annualized income installment.

(b) For any required installment, the annualized income installment is the applicable percentage described in subsection (4)(c) applied to the tax computed on the basis of annualized taxable income in the tax year for the months ending before the due date for the installment less the total amount of any prior required installments for the tax year.

(c) For the purposes of this subsection (4), the applicable percentage is determined according to the following schedule:

Required Installment	Applicable Percentage
First	22.5%
Second	45%
Third	67.5%
Fourth	90%

(d) A reduction in a required installment resulting from the application of an annualized income installment must be recaptured by increasing the amount of the next required installment, determined under subsection (3)(a), by the amount of the reduction. Any subsequent installment must be increased by the amount of the reduction until the amount has been recaptured.

(5) (a) If an estimated tax, an employer withholding tax, or a combination of estimated tax and employer withholding tax is underpaid, there must be added to the amount due under this chapter a penalty equal to 10% a year on the amount of the underpayment. The penalty is computed on the amount of the underpayment, as determined in subsection (5)(b), for the period from the time the payment was due to the date payment was made or to the 15th day of the 4th month of the year following the tax year in which the payment was to be made, whichever is earlier.

(b) For the purpose of determining the penalty in subsection (5)(a), the amount of the underpayment is the required installment amount less the installment amount paid, if any, on or before the due date for the installment.

(c) For the purpose of determining the penalty in subsection (5)(a), an estimated payment must be credited against unpaid required installments in the order in which those installments are required to be paid.

(d) For each married taxpayer filing separately on the same form, the penalty provided for in subsection (5)(a) must be computed on the combined tax liability after reductions for credits and withholding, as shown on the taxpayer's return.

(e) A penalty may not be imposed with respect to any underpayment of the fourth installment of estimated taxes if:

(i) the taxpayer pays in full the amount computed on the return as payable; and

(ii) the taxpayer files a return on or before the last day of the month following the close of the tax year referred to in subsection (2)(a) or (2)(b).

(6) For the purposes of this section, "farmer or rancher" means a taxpayer who derives at least 66 2/3% of the taxpayer's gross income, as defined in 15-30-101(7), from farming or ranching operations, or both.

(7) The department shall promulgate rules governing reasonable extensions of time for paying the estimated tax. An extension may not be for more than 6 months.

History: En. 84-4939 by Sec. 12, Ch. 260, L. 1955; amd. Sec. 183, Ch. 516, L. 1973; amd. Sec. 1, Ch. 374, L. 1977; R.C.M. 1947, 84-4939(part); amd. Sec. 1, Ch. 17, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 17 substituted present text regarding payment of estimated tax, exceptions, and penalty for former language that read: "(1) Every individual except farmers, ranchers, or stockmen shall, at the time prescribed in subsection (3) of this section, make a declaration of his estimated tax for the taxable year if his net income from sources other than wages, salaries, bonuses, or other emoluments can reasonably be expected to equal or exceed his net income from wages, salaries, bonuses or other emoluments, which are subject to withholding.

(2) In the declaration required under subsection (1) of this section, the individual shall state:

(a) the amount which he estimates as the amount of tax under 15-30-103 for the taxable year;

(b) the amount which he estimates will be withheld from wages paid by his employer if said individual is an employee;

(c) the excess of the amount estimated under subsection (2)(a) over the amount estimated under subsection (2)(b), which excess for purposes of this section shall be considered the estimated tax for the taxable year;

(d) such other information as may be prescribed in rules promulgated by the department.

(3) The declaration required under subsection (1) of this section shall be filed with the department on or before April 15 of the taxable year, except that if the requirements of subsection (1) of this section are first met:

(a) after April 1 and before October 1 of the taxable year, the declaration shall be filed on or before October 15 of the taxable year;

(b) after October 1 of the taxable year, the declaration shall be filed on or before February 15 of the succeeding taxable year.

(4) An individual may make amendments of a declaration filed during the taxable year under subsection (3) of this section under rules prescribed by the department.

(5) If, on or before February 15 of the succeeding taxable year, the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on his return as payable, then under rules prescribed by the department:

(a) if the declaration is not required to be filed during the taxable year but is required to be filed on or before such February 15, such return shall for the purposes of this section be considered as such declaration; and

(b) if the tax shown on the return is greater than the estimated tax shown in a declaration previously made or in the last amendments thereof, such return shall for the purposes of this section be considered as the amendment of the declaration permitted by

subsection (4) of this section to be filed on or before such February 15.

(6) The department shall promulgate rules governing reasonable extensions of time for filing declarations and paying the estimated tax except in the case of taxpayers who are abroad, and no such extension shall be for more than 6 months.

(7) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(8) Any individual who fails to file a declaration of estimated tax as required by this section is not subject to the penalties set forth in 15-30-321."

Effective Dates — Applicability: Section 4, Ch. 17, Sp. L. January 1992, provided: "(1) Except for the purposes of subsection (2), [this act] is effective July 1, 1992, and applies to tax years beginning after December 31, 1992.

(2) For the purposes of promulgating administrative rules to implement [section 1] [amending 15-30-241], [this act] is effective on passage and approval." Approved February 4, 1992.

15-30-242. *(Temporary)* **Installment payments of estimated tax.** (1) Estimated tax provided for in 15-30-241 shall be paid as follows:

(a) If the declaration is filed on or before April 15 of the taxable year, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of filing of the declaration and the second or last installment shall be paid on October 15 of the taxable year.

(b) If the declaration is filed after April 15 and not after October 15 of the taxable year and is not required by 15-30-241(3) to be filed on or before April 15 of the taxable year, the estimated tax shall be paid at the time of filing of the declaration.

(c) If the declaration is filed after October 15 of the taxable year and is not required by 15-30-241(3) to be filed on or before October 15 of the taxable year, the estimated tax shall be paid in full at the time of filing of the declaration.

(d) If the declaration is filed after the time prescribed in 15-30-241, including cases where extensions of time have been granted, subsections (1)(b) and (1)(c) of this section shall not apply and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in 15-30-241(3) and the remaining installments shall be paid at the times at which and in the amounts in which they would have been payable if the declaration had been so filed.

(2) If any amendment of a declaration is filed after April 15 and before October 15 of the taxable year, the remaining installment, if any, shall be ratably increased or decreased, as the case may be, to reflect the respective increase or decrease in the estimated tax by reason of such amendment. If any amendment is made after October 15 of the taxable year, any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

(3) At the election of the individual, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(4) Payment of the estimated tax or any installment thereof shall be considered payment on account of the tax for the taxable year.

(5) The application of this section to taxable years of less than 12 months shall be as prescribed in the rules promulgated by the department.

(6) In the application of this section to taxpayers reporting income on a fiscal-year basis, there shall be substituted for the dates specified therein the months corresponding thereto.

(7) An individual who fails to pay an estimated tax as required by this section is not subject to the penalties set forth in 15-30-321. *(Repealed effective July 1, 1992—secs. 2, 4, Ch. 17, Sp. L. January 1992.)*

History: En. 84-4940 by Sec. 13, Ch. 260, L. 1955; amd. Sec. 184, Ch. 516, L. 1973; amd. Sec. 2, Ch. 374, L. 1977; R.C.M. 1947, 84-4940(part).

CHAPTER 35

COAL SEVERANCE TAX

Part 1

General Provisions

15-35-108. *(Temporary)* **Disposal of severance taxes.** Severance taxes collected under this chapter must be allocated according to the provisions in effect on the date the tax is due under 15-35-104. Severance taxes collected under the provisions of this chapter are allocated as follows:

(1) To the trust fund created by Article IX, section 5, of the Montana constitution, 50% of total coal severance tax collections. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Starting July 1, 1992, and ending June 30, 1993, 12% of coal severance tax collections are allocated to the general fund.

(3) Coal severance tax collections remaining after the allocations provided by subsections (1) and (2) are allocated in the following percentages of the remaining balance:

(a) 17 ½% to the credit of the local impact account. Unencumbered funds remaining in the local impact account at the end of each biennium are allocated to the state special revenue fund for state equalization aid to public schools of the state.

(b) 30% to the state special revenue fund for state equalization aid to public schools of the state;

(c) 1% to the state special revenue fund to the credit of the county land planning account;

(d) 1 ¼% to the credit of the renewable resource development bond fund;

(e) 0% to a nonexpendable trust fund for the purpose of parks management. Income from this trust fund must be appropriated for the development, operation, and maintenance of any sites and areas described in 23-1-102.

(f) 1% to the state special revenue fund to the credit of the state library commission for the purposes of providing basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking;

(g) 1/2 of 1% to the state special revenue fund for conservation districts;

(h) 1 ¼% to the debt service fund type to the credit of the water development debt service fund;

(i) 2% to the state special revenue fund for the Montana Growth Through Agriculture Act;

(j) 1 ⅔% to a nonexpendable trust fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Income from this trust fund shall be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(k) beginning July 1, 1991, and ending June 30, 1993, 3 ⅓% to a special revenue account to be used by the department of fish, wildlife, and parks for the development, operation, and maintenance of state parks and the stabilization and preservation of historic sites within the state park system;

(l) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund of the state.

15-35-108. *(Effective July 1, 1992)* **Disposal of severance taxes.** Severance taxes collected under this chapter must be allocated according to the provisions in effect on the date the tax is due under 15-35-104. Severance taxes collected under the provisions of this chapter are allocated as follows:

(1) To the trust fund created by Article IX, section 5, of the Montana constitution, 50% of total coal severance tax collections. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Starting July 1, 1992, and ending June 30, 1993, 12% of coal severance tax collections are allocated to the general fund.

(3) Coal severance tax collections remaining after the allocations provided by subsections (1) and (2) are allocated in the following percentages of the remaining balance:

(a) 17 ½% to the credit of the local impact account. Unencumbered funds remaining in the local impact account at the end of each biennium are allocated to the state special revenue fund for state equalization aid to public schools of the state.

(b) 30% to the state special revenue fund for state equalization aid to public schools of the state;

(c) 1% to the state special revenue fund to the credit of the county land planning account;

(d) 1 ¼% to the credit of the renewable resource development bond fund;

(e) 0% to a nonexpendable trust fund for the purpose of parks management. Income from this trust fund must be appropriated for the development, operation, and maintenance of any sites and areas described in 23-1-102.

(f) 1% to the state special revenue fund to the credit of the state library commission for the purposes of providing basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking;

(g) 1/2 of 1% to the state special revenue fund for conservation districts;

(h) 1 ¼% to the debt service fund type to the credit of the water development debt service fund;

(i) 2% to the state special revenue fund for the Montana Growth Through Agriculture Act;

(j) 1 2/3% to the Montana arts council, to be allocated as follows:

(i) 42 1/2% for operating costs; and

(ii) 57 1/2% to a nonexpendable trust fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Income from this trust fund shall be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(k) beginning July 1, 1991, and ending June 30, 1993, 3 1/3% to a special revenue account to be used by the department of fish, wildlife, and parks for the development, operation, and maintenance of state parks and the stabilization and preservation of historic sites within the state park system;

(l) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund of the state. *(Terminates June 30, 1993—sec. 3, Ch. 615, L. 1991, and sec. 3, Ch. 8, Sp. L. January 1992.)*

15-35-108. *(Effective July 1, 1993)* **Disposal of severance taxes.** Severance taxes collected under this chapter must be allocated according to the provisions in effect on the date the tax is due under 15-35-104. Severance taxes collected under the provisions of this chapter are allocated as follows:

(1) To the trust fund created by Article IX, section 5, of the Montana constitution, 50% of total coal severance tax collections. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Starting July 1, 1987, and ending June 30, 2003, 12% of coal severance tax collections are allocated to the highway reconstruction trust fund account in the state special revenue fund.

(3) Coal severance tax collections remaining after allocation to the trust fund under subsection (1) are allocated in the following percentages of the remaining balance:

(a) 17 1/2% to the credit of the local impact account. Unencumbered funds remaining in the local impact account at the end of each biennium are allocated to the state special revenue fund for state equalization aid to public schools of the state.

(b) 30% to the state special revenue fund for state equalization aid to public schools of the state;

(c) 1% to the state special revenue fund to the credit of the county land planning account;

(d) 1 1/4% to the credit of the renewable resource development bond fund;

(e) 3 1/3% to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(f) 1% to the state special revenue fund to the credit of the state library commission for the purposes of providing basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking;

(g) 1/2 of 1% to the state special revenue fund for conservation districts;

(h) 1 ¼% to the debt service fund type to the credit of the water development debt service fund;

(i) 2% to the state special revenue fund for the Montana Growth Through Agriculture Act;

(j) 1 ⅔% to a nonexpendable trust fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Income from this trust fund shall be appropriated for protection of works of art in the state capitol and other cultural and aesthetic projects.

(k) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund of the state. *(Terminates July 1, 2003—sec. 4, Ch. 191, L. 1991.)*

15-35-108. *(Effective July 1, 2003)* **Disposal of severance taxes.** Severance taxes collected under this chapter must be allocated according to the provisions in effect on the date the tax is due under 15-35-104. Severance taxes collected under the provisions of this chapter are allocated as follows:

(1) To the trust fund created by Article IX, section 5, of the Montana constitution, 50% of total coal severance tax collections. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Coal severance tax collections remaining after allocation to the trust fund under subsection (1) are allocated in the following percentages of the remaining balance:

(a) 17 ½% to the credit of the local impact account. Unencumbered funds remaining in the local impact account at the end of each biennium are allocated to the state special revenue fund for state equalization aid to public schools of the state.

(b) 30% to the state special revenue fund for state equalization aid to public schools of the state;

(c) 1% to the state special revenue fund to the credit of the county land planning account;

(d) 1 ¼% to the credit of the renewable resource development bond fund;

(e) 3 ⅓% to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(f) 1% to the state special revenue fund to the credit of the state library commission for the purposes of providing basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking;

(g) 1/2 of 1% to the state special revenue fund for conservation districts;

(h) 1 ¼% to the debt service fund type to the credit of the water development debt service fund;

(i) 2% to the state special revenue fund for the Montana Growth Through Agriculture Act;

(j) 1 ⅔% to a nonexpendable trust fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Income from this trust fund shall be appropriated for protection of works of art in the state capitol and other cultural and aesthetic projects.

(k) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund of the state.

History: En. 84-1309.1 by Sec. 2, Ch. 432, L. 1973; amd. Sec. 1, Ch. 250, L. 1974; amd. Sec. 4, Ch. 501, L. 1975; amd. Sec. 3, Ch. 502, L. 1975; amd. and redes. 84-1319 by Sec. 8, Ch. 525, L. 1975; amd. Sec. 2, Ch. 156, L. 1977; amd. Sec. 1, Ch. 540, L. 1977; amd. Sec. 2, Ch. 549, L. 1977; R.C.M. 1947, 84-1319; amd. Sec. 1, Ch. 653, L. 1979; amd. Sec. 1, Ch. 694, L. 1979; amd. Sec. 1, Ch. 479, L. 1981; amd. Sec. 43, Ch. 505, L. 1981; amd. Sec. 3, Ch. 281, L. 1983; amd. Sec. 5, Ch. 541, L. 1983; amd. Sec. 1, Ch. 246, L. 1985; amd. Sec. 1, Ch. 715, L. 1985; amd. Sec. 1, Ch. 3, Sp. L. June 1986; amd. Sec. 1, Ch. 19, Sp. L. June 1986; amd. Sec. 1, Ch. 662, L. 1987; amd. Sec. 17, Ch. 83, L. 1989; amd. Sec. 1, Ch. 626, L. 1989; amd. Sec. 4, Ch. 11, Sp. L. June 1989; amd. Sec. 13, Ch. 16, L. 1991; amd. Sec. 3, Ch. 191, L. 1991; amd. Sec. 1, Ch. 615, L. 1991; amd. Sec. 1, Ch. 8, Sp. L. January 1992; amd. Sec. 1, Ch. 16, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendments: (Temporary version) Chapter 16 in (2) changed allocation of 12% of coal severance tax collections from the highway reconstruction trust fund account to the general fund for the period beginning July 1, 1992, and ending June 30, 1993.

(Version effective July 1, 1992) Chapter 8 in (3)(j) allocated 42 ½% of 1 ⅔% remaining balance of unallocated coal severance tax collections to the Montana Arts Council for operating costs and 57 ½% to the nonexpendable trust fund. Amendment effective July 1, 1992.

Effective Dates — Termination: Section 3, Ch. 8, Sp. L. January 1992, provided: "[This act] is effective July 1, 1992, and [section 1] [15-35-108] terminates June 30, 1993."

Section 2, Ch. 16, Sp. L. January 1992, provided: "[This act] is effective on passage and approval [approved February 4, 1992] and terminates July 1, 1993."

1991 Amendments: Chapter 16 in (1) corrected citation to subsection of 17-6-203; and made minor changes in style.

Chapter 191 in (2), near beginning, substituted "June 30, 2003" for "June 30, 1993". Amendment effective March 27, 1991.

(Temporary version) Chapter 615 in (3)(e) decreased 5% allocation to a nonexpendable trust fund for parks acquisition and management, protection of works of art in the State Capitol, and other cultural and aesthetic projects, with 1/3 of income from the trust fund to be appropriated for art in the State Capitol and other cultural and aesthetic projects and 2/3 for the acquisition, development, operation, and maintenance of sites and areas described in 23-1-102 to 0% to a nonexpendable trust fund for parks management, with income from the fund to be appropriated for development, operation, and maintenance of sites and areas described in 23-1-102; inserted (3)(j) providing a 1 ⅔% allocation to a nonexpendable trust fund for protection of works of art in the State Capitol and for other cultural and aesthetic projects, with trust income to be appropriated for those purposes; and inserted (3)(k) providing a 3 ⅓% allocation to a special revenue account to be used by Department of Fish, Wildlife, and Parks for the development, operation, and maintenance of state parks and the stabilization and preservation of historic sites within the state park system. Amendment effective July 1, 1991.

(Version effective July 1, 1993) Chapter 615 in (3)(e) decreased 5% allocation to a nonexpendable trust fund for parks acquisition and management, protection of works of art in the State Capitol, and other cultural and aesthetic projects, with 1/3 of income from the trust fund to be appropriated for art in the State Capitol and other cultural and aesthetic projects and 2/3 for the acquisition, development, operation, and maintenance of sites and areas described in 23-1-102 to 3 ⅓% allocation to a nonexpendable trust fund for parks acquisition or management, with income from the fund to be appropriated for the acquisition, development, operation, and maintenance of sites and areas described in 23-1-102; and inserted (3)(j) providing a 1 ⅔% allocation to a nonexpendable trust fund for protection of works of art in the State Capitol and for other cultural and aesthetic projects, with trust income to be appropriated for those purposes.

Termination Date Extended: Section 1, Ch. 191, L. 1991, amended sec. 7, Ch. 541, L. 1983, to read: "Sections 1 through 5 [60-3-216, 60-3-217, and 60-3-218 and the 1983 amendments to 15-35-108 and 17-3-201, now repealed] are effective July 1, 1983, and terminate July 1, 2003." Effective March 27, 1991.

Effective Date — Applicability — Termination Date: Section 4, Ch. 191, L. 1991, provided: "(1) [This act] [amending sec. 7, Ch. 541, L. 1983, 15-35-108, and 60-3-216] is effective on passage and approval [approved March 27, 1991].

(2) [Section 1] [amending sec. 7, Ch. 541, L. 1983] applies retroactively, within the meaning of 1-2-109, to April 16, 1983.

(3) [Sections 1 through 3] [amending sec. 7, Ch. 541, L. 1983, 15-35-108, and 60-3-216] terminate July 1, 2003."

Fund Transfer: Section 2, Ch. 615, L. 1991, provided that the Board of Investments shall transfer one-third of the balance as of June 30, 1991, of the nonexpendable trust fund created in subsection (3)(e) to the nonexpendable trust fund created in subsection (3)(j) for protection of works of art in the Capitol and for other cultural and aesthetic projects, with the remainder of the subsection (3)(e) fund to be used as provided in subsection (3)(e).

1983 Amendment — Termination Date: Chapter 541 inserted (2); and in introductory to (3), changed "allocation to the trust fund under subsection (1)" to "allocations provided by subsections (1) and (2)".

Section 7, Ch. 541, L. 1983, provided: "Sections 1 through 5 [60-3-216 through 60-3-218 and 1983 amendments to 15-35-108 and 17-3-201] are effective July 1, 1983, and terminate July 1, 1993."

TITLE 17

STATE FINANCE

CHAPTER 3

FEDERAL REVENUES AND ENDOWMENTS

Part 10

Endowments

17-3-1003. Support of state institutions. (1) For the support and endowment of each state institution, there is annually and perpetually appropriated the income from all permanent endowments therefor and from all land grants as provided by law. All moneys received or collected in connection with such endowments by all higher educational institutions, reformatory, custodial and penal institutions, state hospitals, and sanitariums, for any purpose whatever, except revenues pledged to secure the payment of principal and interest of obligations incurred for the purchase, construction, equipment, or improvement of facilities at units of the Montana university system and for the refunding of such obligations or moneys which may constitute temporary deposits, all or part of which may be subject to withdrawal or repayment, shall be paid over to the state treasurer who shall deposit the same to the credit of the proper fund.

(2) Except as provided in subsection (3), all money received from the investment of grants of a state institution and all money received from the leasing of lands granted to a state institution shall be deposited with the state treasurer of Montana for each of such institutions, to the credit of the state special revenue fund.

(3) All money received from the sale of timber from lands granted to a state institution must be deposited to the credit of the permanent trust fund for the support of the institution.

History: (1)En. Sec. 3, Ch. 112, L. 1921; re-en. Sec. 194, R.C.M. 1921; re-en. Sec. 194, R.C.M. 1935; amd. Sec. 3, Ch. 14, L. 1941; amd. Sec. 11, Ch. 147, L. 1963; amd. Sec. 3, Ch. 298, L. 1973; Sec. 79-601, R.C.M. 1947; (2)En. Sec. 1, Ch. 120, L. 1909; re-en. Sec. 1922, R.C.M. 1921; re-en. Sec. 1922, R.C.M. 1935; amd. Sec. 1, Ch. 89, L. 1961; amd. Sec. 24, Ch. 147, L. 1963; amd. Sec. 5, Ch. 286, L. 1977; Sec. 79-1401, R.C.M. 1947; R.C.M. 1947, 79-601, 79-1401; amd. Sec. 2, Ch. 277, L. 1983; amd. Sec. 3, Ch. 700, L. 1989; amd. Sec. 2, Ch. 14, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 14 at beginning of (2) inserted exception clause; and inserted (3) requiring money received from timber sales from a state institution land grant to be deposited to the permanent trust fund for institution support. Amendment effective February 4, 1992.

Cross-References

The Enabling Act, sec. 11.

Fund structure, 17-2-102.

Miscellaneous finance — University System, Title 20, ch. 25, part 4.

State institutions, Title 53, ch. 1, part 2.

CHAPTER 5

PUBLIC BOND ISSUES

Part 7

Coal Severance Tax Bonds — Water Development

17-5-703. Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution shall be composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax shall be deposited;

(b) a clean coal technology demonstration fund;

(c) a coal severance tax permanent fund;

(d) a coal severance tax income fund; and

(e) a coal severance tax school bond contingency loan fund.

(2) The state treasurer shall determine the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund on the next two ensuing semiannual payment dates and retain that amount in the coal severance tax bond fund.

(3) (a) On January 21, 1992, and continuing as long as any school district bonds secured by state loans under 20-9-466 are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district bonds secured by state loans under 20-9-466 during the next following 12 months.

(4) Beginning July 1, 1991, and ending June 30, 1997, from any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of any amount that is required to be transferred by subsection (3), the state treasurer shall from time to time transfer an amount not exceeding $5 million per fiscal year to the clean coal technology demonstration fund.

(5) Beginning July 1, 1997, the state treasurer shall transfer to the coal severance tax permanent fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsections (3) and (4).

History: En. Sec. 26, Ch. 505, L. 1981; amd. Sec. 18, Ch. 298, L. 1983; amd. Sec. 2, Ch. 512, L. 1985; amd. Sec. 3, Ch. 722, L. 1991; amd. Sec. 3, Ch. 12, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 12 inserted (1)(c) creating a coal severance tax school bond contingency loan fund; inserted (3) providing for transfer of funds necessary for yearly payment of principal and interest on school bonds secured by state loans to the coal severance tax school bond contingency loan fund; in (4), after "1997", inserted language requiring transfer of excess amounts in the coal severance tax bond fund and coal severance tax school bond contingency loan fund to the clean coal technology demonstration fund, after "transfer" substituted "an amount not exceeding $5 million" for "from the excess amount in the coal severance tax bond fund $5 million", after "million" substituted "per fiscal year" for "a year", and after "fund" deleted "and any remaining amount to the coal severance tax permanent fund"; and inserted (5) providing for transfer of excess funds in the coal severance tax bond fund to the coal severance tax permanent fund. Amendment effective January 21, 1992.

Effective on Occurrence of Contingency: Section 8(2), Ch. 12, Sp. L. January 1992, provided: "(2) If House Bill No. 19 is passed and is approved by the electorate, then [section 3 of this act] [amending 17-5-703] and [section 4 of House Bill No. 19] [amending 17-5-703] are void and [section 7 of this act] [amending 17-5-703] is effective on the date of approval by the electorate."

Section 7, Ch. 12, Sp. L. January 1992, provided:

"17-5-703. Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution shall be composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax shall be deposited;

(b) *a treasure state endowment fund;*

(c) a clean coal technology demonstration fund;

~~(c)~~*(d)* a coal severance tax permanent fund; ~~and~~

~~(d)~~*(e)* a coal severance tax income fund; *and*

(f) a coal severance tax school bond contingency loan fund.

(2) The state treasurer shall determine the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund on the next two ensuing semiannual payment dates and retain that amount in the coal severance tax bond fund.

(3) (a) On [the effective date of this act] [June 2, 1992,] and continuing as long as any school district bonds secured by state loans under [section 1] [20-9-466] are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district bonds secured by state loans

under [section 1] [20-9-466] during the next following 12 months.

~~(3)~~*(4)* Beginning ~~on~~ July 1, 1991, and ending ~~on~~ June 30, 1997, *from any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of any amount that is required to be transferred by subsection (3),* the state treasurer shall from time to time transfer ~~from the excess amount in the coal severance tax bond fund~~ *an amount not exceeding* $5 million ~~a~~ *per fiscal* year to the clean coal technology demonstration fund ~~and any remaining amount to the coal severance tax permanent fund~~.

(5) Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall transfer to the treasure state endowment fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsections (3) and (4).

(6) (a) Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall from time to time transfer to the coal severance tax permanent fund 50% of the principal transferred from the coal severance tax bond fund to the treasure state endowment fund in the preceding year.

(b) The state treasurer shall annually transfer to the treasure state endowment special revenue account the amount of interest earnings required to meet the obligations of the state that are payable from the account in accordance with [section 6 of House Bill No. 19] [Chapter 3, Special Laws of January 1992]. Interest earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund."

1991 Amendment: Inserted (1)(b) creating clean coal technology demonstration fund; in (2), after "shall", deleted "from time to time transfer to the coal severance tax permanent fund all money in the coal severance tax bond fund except" and inserted "determine" and at end inserted "and retain that amount in the coal severance tax bond fund"; and inserted (3) providing for transfer of funds to clean coal technology demonstration fund and coal severance tax permanent fund. Amendment effective July 1, 1991.

17-5-704. Investment of funds. Money in the coal severance tax bond fund, the coal severance tax permanent fund, the coal severance tax income fund, and the coal severance tax school bond contingency loan fund must be invested in accordance with the investment standards for coal severance tax funds. Income and earnings from all funds are statutorily appropriated, as provided in 17-7-502, as follows:

(1) 15% to the state equalization aid account; and

(2) 85% to the state general fund.

History: En. Sec. 27, Ch. 505, L. 1981; amd. Sec. 1, Ch. 149, L. 1983; amd. Sec. 19, Ch. 298, L. 1983; amd. Sec. 2, Ch. 662, L. 1987; amd. Sec. 23, Ch. 83, L. 1989; amd. Sec. 3, Ch. 634, L. 1989; amd. Sec. 92, Ch. 11, Sp. L. June 1989; amd. Sec. 4, Ch. 787, L. 1991; amd. Sec. 4, Ch. 12, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 12 in first sentence inserted "and the coal severance tax school bond contingency loan fund". Amendment effective January 21, 1992.

1991 Amendment: In first sentence of introductory clause, after "coal severance tax funds", deleted "except as provided in subsection (2)" and in second sentence, after "from all funds", deleted "must be transferred to and retained in the coal severance tax income fund until appropriated by the legislature" and inserted statutory appropriation language; inserted (1) specifying an appropriation to the state equalization aid account; and in (2) deleted language requiring appropriation of 15% of income and earnings from all funds to be deposited in state equalization aid account each year and inserted "85% to the state general fund". Amendment effective July 1, 1991.

CHAPTER 6

DEPOSITS AND INVESTMENTS

Part 3

Montana In-State Investment

17-6-310. Limits on direct loans. (1) Except as provided in 20-9-466, the state may not use the portion of the permanent coal tax trust fund designated for investment in the Montana economy to make direct loans.

(2) Except as provided in 20-9-466, the permanent coal tax trust fund may not be used by the board of investments to make direct loans to individual borrowers. The purchase of debentures issued by a capital company and loans or portions of loans originated by a financial institution that are sold to the trust are not direct loans.

History: (1)En. Sec. 3(3), I.M. No. 95, approved Nov. 2, 1982; (2)En. Sec. 7, Ch. 677, L. 1983; amd. Sec. 2, Ch. 124, L. 1987; amd. Sec. 8, Ch. 589, L. 1991; amd. Secs. 4, 12, Ch. 594, L. 1991; amd. Sec. 5, Ch. 12, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 12 in (1) and (2), at beginning, inserted exception clause; and in (1), after "use", substituted "the portion of the permanent coal tax trust fund designated for investment in the Montana economy" for "this revenue". Amendment effective January 21, 1992.

1991 Amendments: Chapter 589 at beginning of (2) substituted "permanent coal tax trust fund" for "money from the Montana in-state investment fund"; and made minor changes in style. Amendment effective July 1, 1991.

Chapter 594 in (2), in first sentence after "used", inserted "by the board of investments"; and made minor changes in style. Amendment effective April 24, 1991.

Coordination Instruction — Code Commissioner Change: Section 12, Ch. 594, L. 1991, a coordination section, provided: "If Senate Bill No. 26 is passed and approved, if it includes a section that amends 17-6-308, and if it includes amendments that replace references to the "in-state investment fund" with "permanent coal tax trust fund", then in [this act], the code commissioner shall make similar changes." Senate Bill No. 26 was approved April 24, 1991, as Ch. 589, L. 1991, and included amendments replacing references to the funds as contemplated in the coordination instruction. The Code Commissioner has therefore substituted "permanent coal tax trust fund" for "in-state investment fund" in the first sentence of subsection (2).

CHAPTER 7

BUDGETING AND APPROPRIATIONS

Part 3

Supplemental Appropriations, Encumbrances, and Reversions

17-7-301. Authorization to expend during first year of biennium from appropriation for second year — proposed supplemental ap-

propriation defined. (1) A state department, institution, or agency of the executive branch desiring authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium shall submit a proposed supplemental appropriation to the governor through the budget director. If the governor finds that, due to an unforeseen and unanticipated emergency, the amount actually appropriated for the first fiscal year of the biennium with all other income will be insufficient for the operation and maintenance of said department, institution, or agency during the year for which the appropriation was made, he shall, after careful study and examination of the request and upon review of the recommendation of the budget director, submit the proposed supplemental appropriation to the legislative fiscal analyst. Upon receipt of the recommendation of the legislative finance committee pursuant to 17-7-311, the governor may authorize an expenditure during the first fiscal year of the biennium to be made from the appropriation for the second fiscal year of the biennium.

(2) The department, institution, or agency may expend the amount authorized by the governor only for the purposes specified in the authorization.

(3) The governor shall report to the next legislature in a special section of the budget the amounts expended as a result of all such authorizations granted by him and shall request that any necessary supplemental appropriation bills be passed.

(4) As used in this part, "proposed supplemental appropriation" means an application for authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium.

History: En. Sec. 1, Ch. 82, L. 1961; R.C.M. 1947, 79-1019; amd. Sec. 1, Ch. 11, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 11 in (1), near end of first sentence, substituted "submit a proposed supplemental appropriation" for "make application for such authorization", at end of second sentence inserted requirement of submission to Legislative Fiscal Analyst, and at beginning of third sentence inserted reference to recommendation of Legislative Finance Committee; and inserted (4) defining proposed supplemental appropriation. Amendment effective January 21, 1992.

17-7-306 through 17-7-310 reserved.

17-7-311. Proposed supplemental appropriation — procedure. (1) A proposed supplemental appropriation and all supporting documentation must be submitted to the legislative fiscal analyst. The governor may not approve a proposed supplemental appropriation until the governor receives the legislative finance committee's written report for that proposed supplemental appropriation unless:

(a) the report is not received within 90 calendar days from the date the proposed supplemental appropriation and supporting documentation were forwarded to the legislative finance committee, in which case the governor may approve the proposed supplemental appropriation; or

(b) there has been a waiver of the review and report requirements, as provided in subsection (4).

(2) The legislative fiscal analyst shall review each proposed supplemental appropriation submitted by the governor for compliance with statutory requirements and standards and shall present a written report of this review to the legislative finance committee. Within 10 days after the legislative finance committee's consideration of the proposed supplemental appropriation, the legislative fiscal analyst shall submit the legislative finance committee's report to the governor.

(3) Upon receipt of the legislative finance committee's written report, the governor may approve or deny the proposed supplemental appropriation or may return the proposed supplemental appropriation to the requesting agency for further information. If the governor has returned the proposed supplemental appropriation to the requesting agency and the requesting agency resubmits the proposed supplemental appropriation to the governor, all procedures provided in this section apply to the resubmitted proposed supplemental appropriation.

(4) (a) If an emergency occurs that poses a serious threat to the life, health, or safety of the public, the legislative fiscal analyst may waive the written review and the legislative finance committee's written report required by this section. After a waiver, the legislative fiscal analyst may complete the written review.

(b) Upon receipt of the waiver, the governor may approve the proposed supplemental appropriation.

(c) A waiver affects only the legislative fiscal analyst's written review and the legislative finance committee's written report on the proposed supplemental appropriation. All other proposed supplemental appropriation requirements and standards remain in effect.

(5) Nothing in this part confers on the legislative finance committee authority to approve or deny a proposed supplemental appropriation.

History: En. Sec. 2, Ch. 11, Sp. L. January 1992.

Compiler's Comments

Effective Date: Section 4, Ch. 11, Sp. L. January 1992, provided that this section is effective January 21, 1992.

Part 5

Statutory Appropriations

17-7-502. Statutory appropriations — definition — requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. *(In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)*

History: En. Sec. 2, Ch. 703, L. 1985; amd. Sec. 2, Ch. 244, L. 1985; amd. Sec. 11, Ch. 395, L. 1985; amd. Sec. 20, Ch. 635, L. 1985; amd. Sec. 19, Ch. 688, L. 1985; amd. Sec. 14, Ch. 701, L. 1985; amd. Sec. 14, Ch. 720, L. 1985; amd. Sec. 15, HB 861, L. 1985; amd. Sec. 10, HB 922, L. 1985; amd. Sec. 10, Ch. 161, L. 1987; amd. Sec. 2, Ch. 164, L. 1987; amd. Sec. 1, Ch. 265, L. 1987; amd. Sec. 8, Ch. 453, L. 1987; amd. Sec. 3, Ch. 454, L. 1987; amd. Sec. 30, Ch. 457, L. 1987; amd. Sec. 10, Ch. 460, L. 1987; amd. Sec. 21, Ch. 461, L. 1987; amd. Sec. 6, Ch. 465, L. 1987; amd. Sec. 11, Ch. 563, L. 1987; amd. Sec. 10, Ch. 603, L. 1987; amd. Sec. 10, Ch. 607, L. 1987; amd. Sec. 5, Ch. 664, L. 1987; amd. Sec. 14, Ch. 665, L. 1987; amd. Sec. 12, HB 621, L. 1987; amd. Sec. 1, Ch. 62, L. 1989; amd. Sec. 38, Ch. 262, L. 1989; amd. Sec. 23, Ch. 316, L. 1989; amd. Sec. 7, Ch. 324, L. 1989; amd. Sec. 1, Ch. 408, L. 1989; amd. Sec. 11, Ch. 473, L. 1989; amd. Sec. 13, Ch. 528, L. 1989; amd. Sec. 2, Ch. 530, L. 1989; amd. Sec. 3, Ch. 628, L. 1989; amd. Sec. 62, Ch. 642, L. 1989; amd. Sec. 13, Ch. 672, L. 1989; amd. Sec. 14, Ch. 678, L. 1989; amd. Sec. 10, Ch. 10, Sp. L. June 1989; amd. Sec. 6, Ch. 11, Sp. L. June 1989; amd. Sec. 16, Ch. 16, L. 1991; amd. Sec. 1, Ch. 344, L. 1991; amd. Sec. 2, Ch. 370, L. 1991; amd. Sec. 4, Ch. 394, L. 1991; amd. Sec. 2, Ch. 493, L. 1991; amd. Sec. 1, Ch. 495, L. 1991; amd. Sec. 2, Ch. 567, L. 1991; amd. Sec. 4, Ch. 571, L. 1991; amd. Sec. 1, Ch. 575, L. 1991; amd. Sec. 2, Ch. 600, L. 1991; amd. Sec. 10, Ch. 602, L. 1991; amd. Sec. 19, Ch. 609, L. 1991; amd. Sec. 5, Ch. 641, L. 1991; amd. Sec. 52, Ch. 647, L. 1991; amd. Sec. 1, Ch. 690, L. 1991; amd. Sec. 7, Ch. 701, L. 1991; amd. Sec. 14, Ch. 748, L. 1991; amd. Sec. 7, Ch. 787, L. 1991; amd. Sec. 3, Ch. 819, L. 1991; amd. Sec. 18, Ch. 823, L. 1991.

Compiler's Comments

Effective Date — Nonretroactive Applicability: Section 1, Ch. 10, Sp. L. January 1992, provided that the amendment to this section that inserted a reference to 19-15-101 in (3) was effective July 1, 1991, and removed the provision that made the section apply retroactively to tax years beginning after December 31, 1990. Amendment effective January 21, 1992.

1991 Amendments: Chapter 16 in (3) deleted reference to section 13, House Bill No.

861, Laws of 1985; and made minor changes in style.

Chapter 344 in (3) inserted reference to 19-5-404. Amendment effective April 4, 1991.

Chapter 370 in (3) inserted reference to 85-1-220. Amendment effective July 1, 1991.

Chapter 394 in (3) inserted reference to 20-26-1503. Amendment effective July 1, 1991.

Chapter 493 in (3) inserted reference to 37-43-204. Amendment effective April 20, 1991.

Chapter 495 in (3) inserted reference to 20-4-109. Amendment effective July 1, 1991.

Chapter 567 in (3) inserted reference to 19-6-709. Amendment effective July 1, 1991.

Chapter 571 in (3) deleted reference to 90-4-613. Amendment effective April 23, 1991.

Chapter 575 in (3) inserted reference to 80-11-310. Amendment effective July 1, 1991.

Chapter 600 in (3) inserted reference to 75-5-507. Amendment effective July 1, 1991.

Chapter 602 in (3) inserted reference to 17-6-409. Amendment effective July 1, 1991.

Chapter 609 in (3) inserted reference to 77-1-808. Amendment effective March 1, 1992.

Chapter 641 in (3) inserted reference to 15-23-706. Amendment effective July 1, 1991.

Chapter 647 in (3) inserted references to 23-5-136 and 23-5-631. Amendment effective July 1, 1991.

Chapter 690 in (3) inserted references to 44-12-206 and 44-13-102. Amendment effective July 1, 1991.

Chapter 701 in (3) deleted reference to 61-2-406. Amendment effective July 1, 1991.

Chapter 748 in (3) inserted reference to 22-3-811. Amendment effective May 15, 1991, and terminates June 30, 1993, pursuant to sec. 18, Ch. 748, L. 1991.

Chapter 787 in (3) inserted references to 17-5-704 and 17-7-304. Amendment effective July 1, 1991.

Chapter 819 in (3) inserted reference to 90-7-220. Amendment effective May 24, 1991.

Chapter 823 in (3) inserted reference to 19-15-101. Amendment effective July 1, 1991, pursuant to sec. 1, Ch. 10, Sp. L. January 1992.

Termination — Disposition of Funds: Section 7, Ch. 567, L. 1991, provided: "(1) The provisions of [sections 1 through 6] [19-6-709 and amendments to 17-7-502 and 61-3-321] terminate upon the death of the last recipient eligible under [section 1(2)] [19-6-709(2)] for the supplemental benefit provided by [section 1] [19-6-709].

(2) Money collected for the purposes of the supplemental payment under [section 1] [19-6-709] that remains in the account, meaning the highway patrol officers' retirement pension trust fund, upon termination of [sections 1 through 6] [19-6-709 and amendments to 17-7-502 and 61-3-321] must be used to amortize unfunded liabilities of the account."

TITLE 19

PUBLIC RETIREMENT SYSTEMS

CHAPTER 15

RETIREMENT ADJUSTMENT

Part 1

General Provisions

19-15-101. *(Temporary)* **Retirement adjustment — annual deposit — statutory appropriation.** (1) There are statutorily appropriated, as provided in 17-7-502, from the general fund to the public employees' retirement board and the teachers' retirement board the amounts provided in

subsection (2) for distribution to members of retirement systems as provided in 19-15-102.

(2) On or before May 1 of each year, the state treasurer shall pay to the public employees' retirement board and the teachers' retirement board an amount equal to 2 ½% of the total benefits paid by both systems during the prior calendar year. In distributing the appropriations to the boards, the treasurer shall consult with the boards to determine the amounts necessary for uniform payments to members. The amount of the benefits must be certified to the treasurer by the public employees' retirement board and the teachers' retirement board no later than April 1 of each year. For the purpose of this section, the public employees' retirement board shall collect information and certify the amount of benefits paid pursuant to Title 19, chapters 10 and 11. Not later than February 15 of each year, the boards of trustees of local police retirement funds, provided in 19-10-201, and boards of trustees of local fire department relief associations, provided in 19-11-104, shall submit reports on benefit payments containing information requested by the public employees' retirement board.

19-15-101. *(Effective July 1, 1992)* **Retirement adjustment — annual deposit — statutory appropriation.** (1) There are statutorily appropriated, as provided in 17-7-502, from the general fund to the public employees' retirement board and the teachers' retirement board the amounts provided in subsection (2) for distribution to members of retirement systems as provided in 19-15-102.

(2) On or before March 1 of each year, the state treasurer shall pay to the public employees' retirement board and the teachers' retirement board an amount equal to 2 ½% of the total benefits paid by both systems during the prior calendar year. In distributing the appropriations to the boards, the treasurer shall consult with the boards to determine the amounts necessary for uniform payments to members. The amount of the benefits must be certified to the treasurer by the public employees' retirement board and the teachers' retirement board no later than February 15 of each year. For the purpose of this section, the public employees' retirement board shall collect information and certify the amount of benefits paid pursuant to Title 19, chapters 10 and 11. The boards of trustees of local police retirement funds, provided in 19-10-201, and boards of trustees of local fire department relief associations, provided in 19-11-104, shall submit reports on benefit payments containing information requested by the public employees' retirement board.

History: En. Sec. 4, Ch. 823, L. 1991; amd. Sec. 2, Ch. 10, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 10 in (2), near beginning, substituted "March 1" for "May 1", near middle substituted "February 15" for "April 1", and at beginning of last sentence deleted "Not later than February 15 of each year". Amendment effective July 1, 1992.

Effective Date — Nonretroactive Applicability: Section 1, Ch. 10, Sp. L. January 1992, provided that this section was effective July 1, 1991, and removed the provision that made the section apply retroactively to tax years beginning after December 31, 1990. Amendment effective January 21, 1992.

Effective Date — Retroactive Applicability: Section 22, Ch. 823, L. 1991, provided: "[This act] is effective on passage and approval [approved May 24, 1991] and applies retroactively, within the meaning of 1-2-109, to taxable years beginning after December 31, 1990." However, sec. 1, Ch. 10, Sp. L. January 1992, provided that this section was effective July 1, 1991, and rendered the retroactive ap-

plicability provision ineffective—see the compiler's comment immediately above.

19-15-102. *(Temporary)* **Montana retirement adjustment payments — public employees' retirement board.** (1) Not later than June 1 of each year, the public employees' retirement board and the teachers' retirement board shall fix and pay to those members entitled to it an annual adjustment payment. The adjustment payment is determined for each system based upon the benefits paid by the system in the prior calendar year and on the annual benefit to which each Montana resident member of the system is entitled.

(2) (a) The public employees' retirement board shall allocate money appropriated for retirement adjustment to the public retirement systems in Title 19, chapters 3 and 5 through 13. The allocation to each system must be made based upon the annual amount each system's benefits payments bears to the amount paid by all of the systems specified in this subsection.

(b) The teachers' retirement board shall administer the money appropriated for retirement adjustment to the teachers' retirement system in Title 19, chapter 4.

(3) (a) Each member of a system listed in subsection (2) who is a resident of the state and who is entitled to an annual benefit is entitled to a retirement adjustment payment. Each retirement system specified in subsection (2), through the public employees' retirement board, the teachers' retirement board, or a local retirement board of trustees, as appropriate, shall distribute its allocation of the money appropriated for retirement adjustment to its members entitled to adjustment payments. The governing board of each system set forth in subsection (2) shall provide an annual adjustment payment that is a percentage of annual benefits.

(b) The methodology that the public employees' retirement board and the teachers' retirement board use to calculate adjustments for systems administered by them must be adopted by rule pursuant to Title 2, chapter 4.

(c) For the purposes of this section, a "Montana resident" means a person domiciled in the state and any person who maintains a permanent place of abode within the state.

19-15-102. *(Effective July 1, 1992)* **Montana retirement adjustment payments — public employees' retirement board.** (1) Not later than April 1 of each year, the public employees' retirement board and the teachers' retirement board shall fix and pay to those members entitled to it an annual adjustment payment. The adjustment payment is determined for each system based upon the benefits paid by the system in the prior calendar year and on the annual benefit to which each Montana resident member of the system is entitled.

(2) (a) The public employees' retirement board shall allocate money appropriated for retirement adjustment to the public retirement systems in Title 19, chapters 3 and 5 through 13. The allocation to each system must be made based upon the annual amount each system's benefits payments bears to the amount paid by all of the systems specified in this subsection.

(b) The teachers' retirement board shall administer the money appropriated for retirement adjustment to the teachers' retirement system in Title 19, chapter 4.

(3) (a) Each member of a system listed in subsection (2) who is a resident of the state and who is entitled to an annual benefit is entitled to a retirement adjustment payment. Each retirement system specified in subsection (2), through the public employees' retirement board, the teachers' retirement board, or a local retirement board of trustees, as appropriate, shall distribute its allocation of the money appropriated for retirement adjustment to its members entitled to adjustment payments. The governing board of each system set forth in subsection (2) shall provide an annual adjustment payment that is a percentage of annual benefits.

(b) The methodology that the public employees' retirement board and the teachers' retirement board use to calculate adjustments for systems administered by them must be adopted by rule pursuant to Title 2, chapter 4.

(c) For the purposes of this section, a "Montana resident" means a person domiciled in the state and any person who maintains a permanent place of abode within the state.

History: En. Sec. 5, Ch. 823, L. 1991; amd. Sec. 3, Ch. 10, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 10 in (1), near beginning, substituted "April 1" for "June 1". Amendment effective July 1, 1992.

Effective Date — Nonretroactive Applicability: Section 1, Ch. 10, Sp. L. January 1992, provided that this section was effective July 1, 1991, and removed the provision that made the section apply retroactively to tax years beginning after December 31, 1990. Amendment effective January 21, 1992.

Effective Date — Retroactive Applicability: Section 22, Ch. 823, L. 1991, provided: "[This act] is effective on passage and approval [approved May 24, 1991] and applies retroactively, within the meaning of 1-2-109, to taxable years beginning after December 31, 1990." However, sec. 1, Ch. 10, Sp. L. January 1992, provided that this section was effective July 1, 1991, and rendered the retroactive applicability provision ineffective—see the compiler's comment immediately above.

TITLE 20

EDUCATION

CHAPTER 9

FINANCE

Part 3

Equalization Aid

20-9-341. *(Temporary)* **Definition of interest and income moneys.** (1) As used in this title, the term "interest and income moneys" means the total of the following revenues, as provided for by Article X, section 5, of the 1972 Montana constitution:

(a) 95% of the interest received from the investment of the public school fund;

(b) 95% of the interest received from the investment of any other school funds held in trust by the state board of land commissioners;

(c) 95% of the income received from the leasing of or sale of timber from state school lands after any deductions that may be made under the provisions of Title 77, chapter 1, part 6; and

(d) 95% of any other income derived from any other covenant affecting the use of state school lands.

(2) The remaining 5% of such revenues shall be annually credited to the public school fund. *(Terminates June 30, 1993—sec. 6, Ch. 14, Sp. L. January 1992.)*

20-9-341. *(Effective July 1, 1993)* **Definition of interest and income moneys.** (1) As used in this title, the term "interest and income moneys" means the total of the following revenues, as provided for by Article X, section 5, of the 1972 Montana constitution:

(a) 95% of the interest received from the investment of the public school fund;

(b) 95% of the interest received from the investment of any other school funds held in trust by the state board of land commissioners;

(c) 95% of the income received from the leasing of state school lands after any deductions that may be made under the provisions of Title 77, chapter 1, part 6; and

(d) 95% of any other income derived from any other covenant affecting the use of state school lands.

(2) The remaining 5% of such revenues shall be annually credited to the public school fund.

History: En. 75-6907 by Sec. 257, Ch. 5, L. 1971; amd. Sec. 9, Ch. 137, L. 1973; R.C.M. 1947, 75-6907; amd. Sec. 3, Ch. 14, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 14 in (1)(c), after "leasing of", inserted "or sale of timber from". Amendment effective February 4, 1992.

Termination: Section 6, Ch. 14, Sp. L. January 1992, provided that this section terminates June 30, 1993.

Cross-References

The Enabling Act, sec. 11.

Public school fund, Art. X, sec. 2, Mont. Const.

Board of Land Commissioners, Art. X, sec. 4, Mont. Const.

Part 4

School Bonds

20-9-466. School district bonds — state loan — qualifications for state loan. (1) The department of administration shall make a loan from the coal severance tax school bond contingency loan fund, established in 17-5-703(1)(e), to a school district in an amount equal to the principal and interest payment on qualifying bonds when due in accordance with the

provisions contained in the bonds. In order to receive a loan, the school district must:

(a) have issued bonds between January 21, 1992, and January 1, 1993, pursuant to 20-9-421 and 20-9-464;

(b) be prevented from making principal and interest payments on the bonds because the debt service levy for the bonds:

(i) has been declared invalid or unenforceable under Article II, section 4, or Article X, section 1, of the Montana constitution by a final court order; or

(ii) is prevented by an injunction;

(c) have exhausted the debt service reserve for the bonds; and

(d) have complied with all the requirements for the bonds contained in 20-9-467 and this section.

(2) To qualify for the state loan described in subsection (1), a school district, before issuing its bonds, must have:

(a) received voter approval for bonds pursuant to 20-9-421;

(b) following voter approval, received a certificate of eligibility from the board of public education stating that after consultation with the superintendent of public instruction, the board has determined that a minimum of 75% of the principal amount of the proposed bonds will be used to:

(i) restore, rebuild, or replace a destroyed or severely damaged school building;

(ii) correct one or more building deficiencies that affect the health and safety of school children;

(iii) correct one or more deficiencies that prevent the school district from meeting current accreditation standards; or

(iv) address any combination of circumstances described under subsections (2)(b)(i) through (2)(b)(iii); and

(c) received a final certificate of allocation from the department of administration pursuant to subsection (5).

(3) The board of public education shall:

(a) maintain a record of the total principal amount of bonds for which certification has been issued; and

(b) immediately furnish to the department a copy of each certificate issued.

(4) Upon receipt of a copy of the certificate from the board of public education, the department shall temporarily allocate loan authority to the school district equal to the principal amount of bonds indicated in the board's certificate. The principal amount of bonds for which final certification is issued may be less than the principal amount of bonds approved by the voters pursuant to subsection (2)(a).

(5) To obtain a final certificate of allocation, a school district shall provide the department, on a form provided by the department, the following information:

(a) the tentative date of sale of the school district's bonds;

(b) the principal amount of the bonds to be issued;

(c) the name and addresses of bond counsel and the financial advisor; and

(d) other information as requested by the department.

(6) Upon issuance of the bonds, a school district shall forward to the department a copy of the district's bond resolution, the final opinion of bond counsel on the bonds, and a schedule of principal and interest payments on the bonds to maturity. The bond resolution must include a covenant agreeing to:

(a) defend any lawsuit challenging the school district's authority to sell and issue the bonds and to levy a tax for payment of the principal of and interest on the bonds;

(b) provide to the department before August 1 of each year a report of the school district's outstanding principal balance as of the preceding June 30 on the bonds secured by state loans;

(c) refund the bonds on any normal call date if, during the term of the bonds, the school district can refund its bonds without the state loan security and without increasing its total debt service costs on the bonds; and

(d) enter into a contract with the department establishing a schedule to repay the state if the state loans the school district money to make payments on district bonds. Notwithstanding other provisions of law, the loan must be repaid by the school district at a rate equivalent to the average yield of the pooled investment fund established in 17-6-203(3), commonly known as the short-term investment pool, for the period of the loan. Repayment must begin no later than January 1, 1994, and the loan must be repaid in full within 10 years from the date the first loan is issued to a school district. Repayment must be paid from the sources designated for repayment of the bonds or from any other revenue and assets of the school district, including state equalization funds currently distributed or which may be distributed to the district. Loan repayments received by the department must be deposited in the coal severance tax school bond contingency loan fund.

(7) The department shall maintain a record of the total principal amount of bonds secured by state loans.

(8) A school district issuing bonds subject to 20-9-467 and this section may apply to the attorney general for a determination as to whether its bonds are affected by a court order declaring that the bonds of another district are invalid or unenforceable.

(9) A school district whose authority to levy a property tax to pay principal of and interest on bonds has been challenged shall, upon notification of the challenge, immediately notify the attorney general and the department.

History: En. Sec. 1, Ch. 12, Sp. L. January 1992.

Compiler's Comments

Effective Date: Section 8(1), Ch. 12, Sp. L. January 1992, provided that this section is effective on passage and approval. Approved January 21, 1992.

20-9-467. State loan — limitation on state loan authority — priority of loan allocation — application. (1) The allocation of the state's loan authority for bonds issued pursuant to 20-9-466 is intended only to enable a school district to issue bonds pending resolution of the financing of capital outlay.

(2) Except as provided in subsection (5), the total principal amount of school district bonds that may be secured by loans under 20-9-466 may not exceed $25 million and must be allocated to qualifying school districts on a

first-come, first-serve basis in order of issuance of final certificates of allocation by the department of administration.

(3) An individual school district may not issue bonds secured by a state loan with a principal amount in excess of $6 million.

(4) If more than one school district qualifies for a state loan and an insufficient amount of state loan authority remains, the board of public education shall allocate the state loan authority to the district with the earliest voter approval of its bonds.

(5) Prior to allocating the final $1.5 million of state loan authority under 20-9-466, the board of public education shall determine if there is a school district eligible for a state loan under 20-9-466(2)(b)(i) and, if so, shall give that district first priority to the remaining loan authority.

(6) This section does not apply unless a bond resolution contains the covenant required under 20-9-466(6).

History: En. Sec. 2, Ch. 12, Sp. L. January 1992.

Compiler's Comments

Effective Date: Section 8(1), Ch. 12, Sp. L. January 1992, provided that this section is effective on passage and approval. Approved January 21, 1992.

20-9-468 through 20-9-470 reserved.

Part 6

Public School Fund and Grants to Schools

20-9-601. *(Temporary)* **Public school fund.** The public school fund shall be maintained by the state treasurer as a fund in the nonexpendable trust fund type, and the principal amount of such fund shall be irreducible and permanent. The following moneys shall be credited to such fund as an addition to the irreducible and permanent principal amount:

(1) appropriations and donations by the state;

(2) donations and bequests by individuals to the state or schools;

(3) the proceeds of land and other property which revert to the state by escheat and forfeiture;

(4) the proceeds of all property granted to the state, when the purpose of the grant is not specified or is uncertain;

(5) funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law;

(6) the proceeds of the sale of stone, materials, or other property from school lands other than those granted for specific purposes and all moneys other than rental recovered from persons trespassing on such lands;

(7) the principal of all moneys arising from the sale of lands and other property which have been and may be hereafter granted to the state for the support of common schools;

(8) the amount earmarked for deposit in this fund under the provisions of 20-9-341; and

(9) such other moneys as may be provided by the legislature. *(Terminates June 30, 1993—sec. 6, Ch. 14, Sp. L. January 1992.)*

20-9-601. *(Effective July 1, 1993)* **Public school fund.** The public school fund shall be maintained by the state treasurer as a fund in the nonexpendable trust fund type, and the principal amount of such fund shall be irreducible and permanent. The following moneys shall be credited to such fund as an addition to the irreducible and permanent principal amount:

(1) appropriations and donations by the state;

(2) donations and bequests by individuals to the state or schools;

(3) the proceeds of land and other property which revert to the state by escheat and forfeiture;

(4) the proceeds of all property granted to the state, when the purpose of the grant is not specified or is uncertain;

(5) funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law;

(6) the proceeds of the sale of timber, stone, materials, or other property from school lands other than those granted for specific purposes and all moneys other than rental recovered from persons trespassing on such lands;

(7) the principal of all moneys arising from the sale of lands and other property which have been and may be hereafter granted to the state for the support of common schools;

(8) the amount earmarked for deposit in this fund under the provisions of 20-9-341; and

(9) such other moneys as may be provided by the legislature.

History: En. 75-7301 by Sec. 356, Ch. 5, L. 1971; R.C.M. 1947, 75-7301; amd. Sec. 16, Ch. 281, L. 1983; amd. Sec. 4, Ch. 14, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 14 in (6), after "sale of", deleted "timber". Amendment effective February 4, 1992.

Termination: Section 6, Ch. 14, Sp. L. January 1992, provided that this section terminates June 30, 1993.

Cross-References

The Enabling Act, sec. 11.

Public school fund, Art. X, sec. 2, Mont. Const.

Public school fund inviolate, Art. X, sec. 3, Mont. Const.

Board of Land Commissioners, Art. X, sec. 4, Mont. Const.

Public school fund revenue, Art. X, sec. 5, Mont. Const.

Escheated estates, Title 72, ch. 14.

TITLE 22

LIBRARIES, ARTS, AND ANTIQUITIES

CHAPTER 2

ARTS

Part 3

Cultural and Aesthetic Projects

22-2-304. *(Temporary)* **Cultural and aesthetic project appropriations — administration.** (1) The legislature must appropriate funds from the income of the trust fund created in 15-35-108(3)(e) before any grant for a cultural or aesthetic project is awarded.

(2) Costs incurred by the Montana arts council for accounting, correspondence, project visits, and solicitation of proposals related to cultural and aesthetic project grants and the costs of the advisory committee established in 2-15-1521 shall be paid from appropriations from the income of the trust fund.

(3) Grant proposals are heard by a legislative appropriations subcommittee.

(4) Grant proposals approved by the legislature are administered by the Montana arts council.

22-2-304. *(Effective July 1, 1992)* **Cultural and aesthetic project appropriations — administration.** (1) The legislature must appropriate funds from the income of the trust fund created in 15-35-108 for cultural and aesthetic projects before any grant for a cultural or aesthetic project is awarded.

(2) Costs incurred by the Montana arts council for accounting, correspondence, project visits, and solicitation of proposals related to cultural and aesthetic project grants and the costs of the advisory committee established in 2-15-1521 shall be paid from appropriations from the income of the trust fund.

(3) Grant proposals are heard by a legislative appropriations subcommittee.

(4) Grant proposals approved by the legislature are administered by the Montana arts council.

History: En. Sec. 4, Ch. 99, L. 1983; amd. Sec. 1, Ch. 13, L. 1985; amd. Sec. 5, Ch. 626, L. 1989; amd. Sec. 2, Ch. 8, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 8 in (1) substituted "created in 15-35-108 for cultural and aesthetic projects" for "created in 15-35-108(3)(e)". Amendment effective July 1, 1992.

TITLE 23

PARKS, RECREATION, SPORTS, AND GAMBLING

CHAPTER 5

GAMBLING

Part 3

Card Games Act

23-5-306. *(Temporary)* **Live card game table — permit — fees — disposition of fees.** (1) A person who has been granted an operator's license under 23-5-177 and a license to sell alcoholic beverages for consumption on the premises may be granted an annual permit for the placement of live card game tables. If one or more live card game tables were legally operated on a premises on January 15, 1989, and the premises were not on that date licensed under 16-4-401(2) but were licensed on that date to sell food, cigarettes, or any other consumable product, an operator's license and an annual permit for the placement of live card game tables may be granted to the person who legally operated the premises on January 15, 1989.

(2) The annual permit fee in lieu of taxes for each live card game table operated in a licensed operator's premises may not be prorated and must be:

(a) $250 for the first table; and

(b) $500 for each additional table.

(3) The department shall retain for administrative purposes $100 of the fee collected under this part for each live card game table.

(4) Except as provided in subsection (5), the department shall forward on a quarterly basis the remaining balance of the fee collected under subsection (2) to the treasurer of the county or the clerk, finance officer, or treasurer of the city or town in which the live card game table is located for deposit to the county or municipal treasury. A county is not entitled to proceeds from fees assessed on live card game tables located in incorporated cities and towns within the county. The local government portion of this fee is statutorily appropriated to the department, as provided in 17-7-502, for deposit to the county or municipal treasury.

(5) On June 30, 1993, the department shall transfer to the general fund the remaining fund balance from the account funded by this section. *(Terminates July 1, 1993—sec. 2, Ch. 18, Sp. L. January 1992.)*

23-5-306. *(Effective July 1, 1993)* **Live card game table — permit — fees — disposition of fees.** (1) A person who has been granted an operator's license under 23-5-177 and a license to sell alcoholic beverages for consump-

tion on the premises may be granted an annual permit for the placement of live card game tables. If one or more live card game tables were legally operated on a premises on January 15, 1989, and the premises were not on that date licensed under 16-4-401(2) but were licensed on that date to sell food, cigarettes, or any other consumable product, an operator's license and an annual permit for the placement of live card game tables may be granted to the person who legally operated the premises on January 15, 1989.

(2) The annual permit fee in lieu of taxes for each live card game table operated in a licensed operator's premises may not be prorated and must be:

(a) $250 for the first table; and

(b) $500 for each additional table.

(3) The department shall retain for administrative purposes $100 of the fee collected under this part for each live card game table.

(4) The department shall forward on a quarterly basis the remaining balance of the fee collected under subsection (2) to the treasurer of the county or the clerk, finance officer, or treasurer of the city or town in which the live card game table is located for deposit to the county or municipal treasury. A county is not entitled to proceeds from fees assessed on live card game tables located in incorporated cities and towns within the county. The local government portion of this fee is statutorily appropriated to the department, as provided in 17-7-502, for deposit to the county or municipal treasury.

History: En. Sec. 29, Ch. 642, L. 1989; amd. Sec. 1, Ch. 18, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 18 at beginning of (4) inserted exception clause; and inserted (5) requiring transfer of balance of funds to the general fund on June 30, 1993. Amendment effective February 4, 1992.

Termination: Section 2, Ch. 18, Sp. L. January 1992, provided that this section terminates July 1, 1993.

TITLE 25

CIVIL PROCEDURE

CHAPTER 21

RULES OF APPELLATE PROCEDURE

III. Original Proceedings — Extraordinary Writs

Rule 17. Acceptance and manner of conducting.

(a) When accepted. The supreme court is an appellate court but it is empowered by the constitution of Montana to hear and determine such original and remedial writs as may be necessary or proper to the complete exercise of its jurisdiction. The institution of such original proceedings in the

supreme court is sometimes justified by circumstances of an emergency nature, as when a cause of action or a right has arisen under conditions making due consideration in the trial courts and due appeal to this court an inadequate remedy, or when supervision of a trial court other than by appeal is deemed necessary or proper.

(b) How commenced and conducted. Proceedings commenced in the supreme court originally to obtain writs of habeas corpus, injunction, review, mandate, quo warranto, supervisory control, and other remedial writs or orders, shall be commenced and conducted in the manner prescribed by the applicable sections of the Montana Code Annotated for the conduct of such or analogous proceedings and by these additional rules. All papers filed shall conform to the requirements of Rule 27.

(c) Notice to district judge. An application for a writ or order and all further documents relating to a ruling of a district court must be served upon the district judge against whose ruling it is directed. Such application shall, in its title, contain the name of the district judge and the judicial district from which the ruling was issued.

(d) Applications — where and when filed. An original application may be made to the supreme court at any time. The moving party's application and all supporting documents shall be filed with the clerk of the supreme court.

(e) Applications — what to contain. The application for the issuance of the above writs or orders must set forth, in addition to the other requisite matters, the particular questions and issues anticipated or expected to be raised in the proceeding and also the fact which renders it necessary and proper that the writ should issue originally from the supreme court; the said matters will be taken into consideration by the court in determining the necessity and propriety of accepting jurisdiction and granting the alternative writ or order to show cause. Each application shall also set forth as exhibits, without repetition of title of court and cause, a copy of each judgment, order, notice, pleading, document proceeding or court minute referred to in the application, or which is necessary to make out a prima facie case or to substantiate the pleading or conclusion or legal effect. A memorandum or authorities must be filed with the application. Counsel shall file with the clerk of this court the original court file, unless for some reason the same is not available.

(f) Procedure. The supreme court shall consider an application for an extraordinary writ at the court's next court conference following the filing of the application. On the basis of the application filed, the court shall as promptly as possible, dismiss the petition, accept jurisdiction, or order a response reserving the question of jurisdiction. Only in extraordinary cases will the court grant oral argument to determine the necessity and propriety of accepting jurisdiction.

Unless oral argument is ordered by this court in order to establish jurisdiction, the court will enter an appropriate order forthwith. Such order may dismiss the petition, grant the relief requested, order a hearing on the application, or issue any other writ or order deemed appropriate in the circumstances.

(g) Oral argument. When ordered by this court, an adversary hearing on the application shall be held at the time fixed by the order. The oral argument shall be conducted in the same manner as in the argument of appeals, with the same time limits for presentation, and with the applicant opening and closing the argument.

(h) Briefs. In those cases in which oral argument is ordered, each party shall serve and file briefs in full conformance with Rules 20, 23, and 27, and containing a statement of the facts and of the points of law applicable, with the authorities relied upon.

All briefs shall be served and filed according to the time schedule set forth in the order, and in no event later than 24 hours prior to the time fixed for oral argument.

History: En. Sup. Ct. Ord. 11020, Dec. 10, 1965, eff. Jan. 1, 1966; amd. Sup. Ct. Ord. 10750-10, Oct. 22, 1971, eff. Jan. 1, 1972; amd. Sup. Ct. Ord., eff. Jan. 1, 1981; amd. Sup. Ct. Ord., eff. Feb. 1, 1992.

Compiler's Comments

1992 Amendment: Deleted language at end of subsection (b) referring to Rule 27, M.R.App.P., which language was previously deleted from that rule; and inserted subsection (c) concerning notice to a District Judge.

V. General Provisions

Rule 23. Briefs.

(a) Brief of the appellant. The brief of the appellant shall contain under appropriate headings and in the order here indicated:

(1) A table of contents, with page references, and a table of cases (alphabetically arranged), statutes and other authorities cited, with references to the pages of the brief where they are cited.

(2) A statement of the issues presented for review.

(3) A statement of the case. The statement shall first indicate briefly the nature of the case and its disposition in the court below, e.g.: "The plaintiff brought this action in the district court to recover damages for the wrongful death of the plaintiff's husband. The jury returned a verdict for the plaintiff. On motion of the defendant the trial judge entered judgment for the defendant n. o. v. on the ground that there was no evidence to support a finding of negligence on the part of the defendant. From this judgment the plaintiff appeals."

There shall follow a statement of the facts relevant to the issues presented for review, with references to the pages of the parts of the record at which material facts appear (see subdivision (e)).

(4) An argument. The argument may be preceded by a summary. The argument shall contain the contentions of the appellant with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes and pages of the record relied on.

(5) A short conclusion stating the precise relief sought.

(6) The judgment, order, findings of fact, conclusions of law, or decision in question, together with the memorandum opinion, if any, in support

thereof. If an appendix is filed pursuant to Rule 25, the foregoing may be included therein.

(b) Answer brief of the respondent. The answer brief of the respondent shall conform to the requirements of subdivision (a) (1) to (4), except that a statement of the issues or of the case need not be made unless the respondent is dissatisfied with the statement of the appellant.

(c) Reply brief. The appellant may file a brief in reply to the brief of the respondent, and if the respondent has cross appealed, the respondent may file a brief in reply to the response of the appellant to the issues presented by the cross appeal. The reply brief must be confined to new matter raised in the brief of the respondent. No further briefs may be filed except with leave of court.

(d) References in briefs to parties. Counsel will be expected in their briefs and oral arguments to keep to a minimum references to parties by such formal designations as "appellant" and "respondent." It promotes clarity to use names or descriptive terms such as "the employee," "the injured person," "the taxpayer," etc.

(e) References in briefs to the record. Whenever a reference is made in the briefs to the record, the reference must be to particular parts of the record, suitably designated, and to specific pages of each part, e. g., Answer, p. 7; Motion for Summary Judgment, p. 3; Transcript, p. 231. Intelligible abbreviations may be used. If reference is made to an exhibit, reference shall be made to the pages of the transcript on which the exhibit was identified, offered, and received or rejected.

(f) Reproduction of statutes, rules, regulations, etc. If determination of the issues presented requires the study of statutes, rules, regulations, etc., or relevant parts thereof, they may be reproduced in the brief or in an addendum at the end, or they may be supplied to the court in pamphlet form. No such reproduction is required, unless ordered by the supreme court. When the error alleged is to the charge of the court, the brief of the parties shall set out with appropriate transcript references the part referred to totidem verbis, whether it be directed to instructions given or instructions refused.

(g) Length of briefs and costs. Except by permission of the court, principal briefs shall not exceed 50 pages and reply briefs shall not exceed 25 pages, exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations, etc. For purposes of assessing costs in civil cases under section 25-10-104, Montana Code Annotated, reasonable costs shall be limited as follows: For appellant's brief 50 pages; for respondent's brief 40 pages; for reply brief 15 pages. In addition, reasonable costs for briefs shall be limited to $250 for appellant's brief and $200 for respondent's brief. If a cross appeal is filed, the appellant will bear the original costs of the transcript.

(h) Briefs in cases involving cross appeals. If a cross appeal is filed, the plaintiff in the court below shall be deemed the appellant for the purposes of this rule and Rules 25 and 26, unless the parties otherwise agree or the court otherwise orders. The brief of the respondent shall contain the issues and argument involved in the respondent's appeal as well as the answer to the brief of the appellant.

History: En. Sup. Ct. Ord. 11020, Dec. 10, 1965, eff. Jan. 1, 1966; amd. Sup. Ct. Ord. 10750-10, Oct. 22, 1971, eff. Jan. 1, 1972; amd. Sup. Ct. Ord. June 16, 1986, eff. Jan. 19, 1987; amd. Sup. Ct. Ord. May 1, 1990, eff. May 1, 1990.

Compiler's Comments

1990 Amendment: In subsection (b), in two places before "brief", inserted "answer"; in subsection (c), at end of first sentence, inserted provision relating to cross appeals; and in subsection (g), in first sentence before "briefs", inserted "principal" and limited reply briefs to 25 pages and inserted last sentence concerning cross appeal. The 1990 amendment to this rule was inadvertently omitted from the 1991 Montana Code Annotated because of a copying error.

TITLE 39

LABOR

CHAPTER 51

UNEMPLOYMENT INSURANCE

Part 4

Financial Administration

39-51-404. *(Temporary)* **Administrative expenses.** (1) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor;

(b) limits the period within which such money may be expended to a period ending not more than 2 years after the date of the enactment of the appropriation law; and

(c) limits the amount which may be used during any 12-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act, as amended, during the same 12-month period and the 34 preceding 12-month periods exceeds the aggregate of the amounts used pursuant to this section and charged against the amounts credited to the account of this state during any of such 35 12-month periods.

(2) For the purposes of this section, amounts used during any such 12-month period shall be charged against equivalent amounts which were

first credited and which are not already so charged, except that no amount used for administration during any such 12-month period may be charged against any amount credited during such a 12-month period earlier than the 34th preceding such period. Money requisitioned for the payment of expenses of administration pursuant to this section shall be deposited in the unemployment insurance administration account but, until expended, shall remain a part of the unemployment insurance fund.

(3) The department shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any money so deposited is for any reason not to be expended for the purpose for which it was appropriated or if it remains unexpended at the end of the period specified by the law appropriating such money, it shall be withdrawn and returned to the secretary of the treasury of the United States for credit to this state's account in the unemployment trust fund.

(4) Beginning with the third quarter of 1983, an assessment equal to .1% of all taxable wages provided for in 39-51-1108 and .05% of total wages paid by employers not covered by an experience rating must be levied against and paid by all employers. All such assessments must be deposited in the unemployment insurance administration account provided for in 39-51-406 and used as appropriated by the legislature. Any assessments deposited to the unemployment insurance administration account, including investment income, that are not appropriated by the legislature must be transferred to the unemployment trust fund account provided for in 39-51-402. *(Terminates July 1, 1992—sec. 3, Ch. 15, Sp. L. January 1992.)*

39-51-404. *(Effective July 1, 1992)* **Administrative expenses.** (1) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor;

(b) limits the period within which such money may be expended to a period ending not more than 2 years after the date of the enactment of the appropriation law; and

(c) limits the amount which may be used during any 12-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act, as amended, during the same 12-month period and the 34 preceding 12-month periods exceeds the aggregate of the amounts used pursuant to this section and charged against the amounts credited to the account of this state during any of such 35 12-month periods.

(2) For the purposes of this section, amounts used during any such 12-month period shall be charged against equivalent amounts which were first credited and which are not already so charged, except that no amount

used for administration during any such 12-month period may be charged against any amount credited during such a 12-month period earlier than the 34th preceding such period. Money requisitioned for the payment of expenses of administration pursuant to this section shall be deposited in the unemployment insurance administration account but, until expended, shall remain a part of the unemployment insurance fund.

(3) The department shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any money so deposited is for any reason not to be expended for the purpose for which it was appropriated or if it remains unexpended at the end of the period specified by the law appropriating such money, it shall be withdrawn and returned to the secretary of the treasury of the United States for credit to this state's account in the unemployment trust fund.

(4) Beginning with the third quarter of 1983, an assessment equal to .1% of all taxable wages provided for in 39-51-1108 and .05% of total wages paid by employers not covered by an experience rating must be levied against and paid by all employers and may be used by the department for administrative purposes. All such assessments must be deposited in the unemployment insurance administration account provided for in 39-51-406 and used as appropriated by the legislature. Any assessments deposited to the unemployment insurance administration account, including investment income, that are not appropriated by the legislature must be transferred to the unemployment trust fund account provided for in 39-51-402.

History: En. Subd. (c), Sec. 9, Ch. 137, L. 1937; amd. Sec. 6, Ch. 171, L. 1957; amd. Sec. 7, Ch. 368, L. 1975; R.C.M. 1947, 87-113(b); amd. Sec. 2, Ch. 57, L. 1979; amd. Sec. 1, Ch. 349, L. 1981; amd. Sec. 1, Ch. 251, L. 1983; amd. Sec. 23, Ch. 281, L. 1983; (4)En. Sec. 1, Ch. 304, L. 1983; amd. Sec. 2, Ch. 461, L. 1985; amd. Sec. 1, Ch. 422, L. 1989; amd. Sec. 1, Ch. 15, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 15 in (4), at end of first sentence after "employers", deleted "and may be used by the department for administrative purposes". Amendment effective February 4, 1992.

Termination: Section 3, Ch. 15, Sp. L. January 1992, provided that this section terminates July 1, 1992.

39-51-406. *(Temporary)* **Unemployment insurance administration account.** (1) There is hereby created an account in the federal special revenue fund to be known as the unemployment insurance administration account. Except as provided in subsection (8), moneys which are deposited, appropriated, or paid into this account are hereby appropriated and made available to the department. Except as provided in subsection (8), moneys in the account shall be expended solely for the purpose of defraying the costs of administration of this chapter and costs of administration of such other legislation as shall be specifically delegated to the department for administration by the legislature.

(2) All moneys received and deposited in said account for administration expense from the United States or any agency thereof pursuant to section 302, Title III, of the Social Security Act shall be expended solely for the purpose and in the amounts found necessary by the secretary of labor for the proper and efficient administration of this chapter.

(3) The account shall consist of:

(a) all moneys received from the United States or any agency thereof pursuant to section 302, Title III, of the Social Security Act, as amended;

(b) all moneys appropriated by the state from the general fund for the purpose of administering this chapter; and

(c) all moneys, trust funds, supplies, facilities, or services furnished, deposited, paid, and received from:

(i) the United States or any agency thereof;

(ii) this state or any agency thereof;

(iii) any other state or any of its agencies;

(iv) political subdivisions of the state; or

(v) any other source for administrative expense and purpose.

(4) Except as provided in subsection (8), all money requisitioned and deposited in this account pursuant to 39-51-403 through 39-51-405 shall remain part of the unemployment insurance fund and shall be used only in accordance with the conditions specified in 39-51-403 through 39-51-405.

(5) All moneys in this account shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other accounts. Any balance in this account shall not lapse at any time but shall be continuously available to the department for the expenditure consistent with this chapter.

(6) The state treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment insurance administration account in an amount to be fixed by the department and in a form prescribed by law or approved by the attorney general. The premiums for such bond and the premiums for the bond given by the treasurer for the unemployment insurance fund under 39-51-402 shall be paid from the money in the unemployment insurance administration account.

(7) Any reference to the unemployment insurance administration fund in this code shall be taken to mean the unemployment insurance administration account in the federal special revenue fund.

(8) On or before June 30, 1992, the department shall transfer an amount not to exceed $1.5 million from the unemployment insurance administration account to the general fund. *(Terminates July 1, 1992—sec. 3, Ch. 15, Sp. L. January 1992.)*

39-51-406. *(Effective July 1, 1992)* **Unemployment insurance administration account.** (1) There is hereby created an account in the federal special revenue fund to be known as the unemployment insurance administration account. All moneys which are deposited, appropriated, or paid into this account are hereby appropriated and made available to the department. All moneys in the account shall be expended solely for the purpose of defraying the costs of administration of this chapter and costs of administration of such other legislation as shall be specifically delegated to the department for administration by the legislature.

(2) All moneys received and deposited in said account for administration expense from the United States or any agency thereof pursuant to section 302, Title III, of the Social Security Act shall be expended solely for the purpose

and in the amounts found necessary by the secretary of labor for the proper and efficient administration of this chapter.

(3) The account shall consist of:

(a) all moneys received from the United States or any agency thereof pursuant to section 302, Title III, of the Social Security Act, as amended;

(b) all moneys appropriated by the state from the general fund for the purpose of administering this chapter; and

(c) all moneys, trust funds, supplies, facilities, or services furnished, deposited, paid, and received from:

(i) the United States or any agency thereof;

(ii) this state or any agency thereof;

(iii) any other state or any of its agencies;

(iv) political subdivisions of the state; or

(v) any other source for administrative expense and purpose.

(4) Notwithstanding any provisions of this section, all money requisitioned and deposited in this account pursuant to 39-51-403 through 39-51-405 shall remain part of the unemployment insurance fund and shall be used only in accordance with the conditions specified in 39-51-403 through 39-51-405.

(5) All moneys in this account shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other accounts. Any balance in this account shall not lapse at any time but shall be continuously available to the department for the expenditure consistent with this chapter.

(6) The state treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment insurance administration account in an amount to be fixed by the department and in a form prescribed by law or approved by the attorney general. The premiums for such bond and the premiums for the bond given by the treasurer for the unemployment insurance fund under 39-51-402 shall be paid from the money in the unemployment insurance administration account.

(7) Any reference to the unemployment insurance administration fund in this code shall be taken to mean the unemployment insurance administration account in the federal special revenue fund.

History: En. Subd. (a), Sec. 13, Ch. 137, L. 1937; amd. Sec. 7, Ch. 164, L. 1941; amd. Sec. 4, Ch. 190, L. 1945; amd. Sec. 4, Ch. 164, L. 1955; amd. Sec. 9, Ch. 171, L. 1957; amd. Sec. 208, Ch. 147, L. 1963; amd. Sec. 22, Ch. 368, L. 1975; R.C.M. 1947, 87-133; amd. Sec. 2, Ch. 57, L. 1979; amd. Sec. 1, Ch. 349, L. 1981; amd. Sec. 2, Ch. 277, L. 1983; amd. Sec. 24, Ch. 281, L. 1983; amd. Sec. 1, Ch. 369, L. 1983; amd. Sec. 2, Ch. 15, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 15 in (1), at beginning of second and third sentences, inserted exception clause; at beginning of (4) substituted exception clause for "Notwithstanding any provisions of this section"; and inserted (8) requiring Department to transfer up to $1.5 million from the unemployment insurance administration account to the general fund on or before June 30, 1992. Amendment effective February 4, 1992.

Termination: Section 3, Ch. 15, Sp. L. January 1992, provided that this section terminates July 1, 1992.

TITLE 53

SOCIAL SERVICES AND INSTITUTIONS

CHAPTER 1

GENERAL ADMINISTRATION OF INSTITUTIONS

Part 3

Institutional Industries

53-1-302. *(Temporary)* **Disposition of receipts from sale of goods.** Receipts from the sale of goods produced or manufactured by an institution in the amount of $605,212 for fiscal year 1993 shall be deposited in the general fund on or before June 30, 1993, and all other receipts shall be deposited in the internal service fund for the use of the industries program of the institution. *(Terminates July 1, 1993—sec. 2, Ch. 4, Sp. L. January 1992.)*

53-1-302. *(Effective July 1, 1993)* **Disposition of receipts from sale of goods.** Receipts from the sale of goods produced or manufactured by an institution shall be deposited in the internal service fund for the use of the industries program of the institution.

History: En. Sec. 11, Ch. 199, L. 1965; R.C.M. 1947, 80-1502; amd. Sec. 2, Ch. 433, L. 1979; amd. Sec. 2, Ch. 426, L. 1981; amd. Sec. 26, Ch. 281, L. 1983; amd. Sec. 1, Ch. 632, L. 1985; amd. Sec. 1, Ch. 4, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 4 near beginning, after "institution", inserted "in the amount of $605,212 for fiscal year 1993 shall be deposited in the general fund on or before June 30, 1993, and all other receipts". Amendment effective January 21, 1992.

Effective Date — Termination: Section 2, Ch. 4, Sp. L. January 1992, provided: "[This act] is effective on passage and approval [approved January 21, 1992] and terminates July 1, 1993."

CHAPTER 9

SERVICES FOR VICTIMS OF CRIME

Part 1

The Crime Victims Compensation Act of Montana

53-9-109. *(Temporary)* **Crime victims compensation account.** (1) There is a crime victims compensation and assistance account in the state

special revenue fund. There shall be paid into this account 18% of the fines assessed and bails forfeited, except those paid to a justice's court, on all offenses involving a violation of chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61 that are a result of citations or tickets issued by the highway patrol. Except as provided in subsection (2), the money in the account is to be used solely for the purposes of this part and for victims' assistance program coordination and planning provided by the division. Except as provided in subsection (2), no fund balance in the account at the end of a fiscal year may be deposited in the general fund.

(2) On or before June 30, 1992, the division shall transfer $250,000 from the crime victims compensation and assistance account to the general fund. *(Terminates July 1, 1992—sec. 2, Ch. 19, Sp. L. January 1992.)*

53-9-109. *(Effective July 1, 1992)* **Crime victims compensation account.** There is a crime victims compensation and assistance account in the state special revenue fund. There shall be paid into this account 18% of the fines assessed and bails forfeited, except those paid to a justice's court, on all offenses involving a violation of chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61 that are a result of citations or tickets issued by the highway patrol. The money in the account is to be used solely for the purposes of this part and for victims' assistance program coordination and planning provided by the division. No fund balance in the account at the end of a fiscal year may be deposited in the general fund.

History: En. 71-2624 by Sec. 25, Ch. 527, L. 1977; R.C.M. 1947, 71-2624; amd. Sec. 3, Ch. 367, L. 1979; amd. Sec. 97, Ch. 421, L. 1979; amd. Sec. 1, Ch. 567, L. 1981; amd. Sec. 27, Ch. 281, L. 1983; amd. Sec. 37, Ch. 557, L. 1987; amd. Sec. 4, Ch. 68, L. 1989; amd. Sec. 3, Ch. 354, L. 1991; amd. Sec. 1, Ch. 19, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 19, in (1), at beginning of third and fourth sentences, inserted exception clause; and inserted (2) requiring transfer of $250,000 to the general fund on or before June 30, 1992. Amendment effective February 4, 1992.

Termination: Section 2, Ch. 19, Sp. L. January 1992, provided that this section terminates July 1, 1993.

1991 Amendment: Near middle of first sentence, after "compensation", inserted "and assistance", at end of third sentence inserted "for victims' assistance program coordination and planning provided by the division", and in fourth sentence substituted "fund" for "cash" and "year" for "biennium"; and made minor changes in style.

TITLE 61

MOTOR VEHICLES

CHAPTER 2

HIGHWAY SAFETY

Part 1

Traffic Safety Program

61-2-107. *(Temporary)* **License reinstatement fee to fund county drinking and driving prevention programs — balance transferred.** (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of $100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) (a) The department shall deposit one-half of the fees collected under subsection (1) in the general fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108.

(b) The remaining fees collected under subsection (1) that are not allocated under subsection (2)(a) must be deposited in the general fund. On or before June 30, 1993, the department shall transfer to the general fund the balance of money in the state special revenue account collected as license reinstatement fees. *(Terminates July 1, 1993—sec. 7(1), Ch. 5, Sp. L. January 1992.)*

61-2-107. *(Effective July 1, 1993)* **License reinstatement fee to fund county drinking and driving prevention programs.** (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of $100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) (a) The department shall deposit one-half of the fees collected under subsection (1) in the general fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108.

(b) The remaining fees collected under subsection (1) that are not allocated under subsection (2)(a) must be deposited in an account in the state special revenue fund to be distributed to county treasurers. The department shall distribute to each county treasurer money in the account collected as license reinstatement fees in that county. The county treasurer shall distribute the money to each incorporated city or town in the county in the ratio

that the population of the incorporated city or town bears to the total population of incorporated cities or towns in the county, based on figures provided by the most recent official census. An incorporated city or town shall distribute the money to state and local government entities, and private entities working with state and local government entities, that operate programs within the county that address the problems and concerns of minors, including but not limited to substance abuse and delinquency and chemical-free youth facilities and programs. Up to one-half of the money distributed under this subsection (b) may be used for adult chemical dependency programs and law enforcement training programs and for equipment for local government law enforcement agencies within the respective jurisdiction.

History: En. Sec. 2, Ch. 643, L. 1987; amd. Sec. 1, Ch. 55, L. 1989; amd. Sec. 1, Ch. 751, L. 1991; amd. Sec. 1, Ch. 5, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 5 in (2)(b), at end of first sentence, substituted requirement that fees be deposited in the general fund for former requirement that fees be deposited in the state special revenue fund for distribution to County Treasurers, in second sentence substituted requirement that fees be deposited in the general fund on or before June 30, 1993, for requirement that money be distributed to County Treasurer of county of collection, and deleted language creating system for distribution of funds by County Treasurer (see version effective July 1, 1993, for text). Amendment effective January 21, 1992.

Effective Date — Termination: Section 7(1), Ch. 5, Sp. L. January 1992, provided that this section is effective on passage and approval (approved January 21, 1992) and terminates July 1, 1993.

1991 Amendment: In (1) increased fee from $50 to $100; in (2)(a), after "deposit", inserted "one-half of" and inserted last phrase requiring use of fees for county drinking and driving prevention programs; and inserted (2)(b) specifying use of remainder of fees.

61-2-108. *(Temporary)* **Funding allocation for programs to prevent or reduce drinking and driving.** If the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in 61-2-106, the department shall, to the extent of the appropriation authorized for the purpose specified in this part, transmit the county portion of the proceeds of the license reinstatement fees collected in that county to the county treasurer, as provided in 61-2-107(2)(a), at the end of each quarter. *(Terminates July 1, 1993—sec. 7(1), Ch. 5, Sp. L. January 1992.)*

61-2-108. *(Effective July 1, 1993)* **Funding allocation for programs to prevent or reduce drinking and driving.** If the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in 61-2-106, the department shall transmit the county portion of the proceeds of the license reinstatement fees collected in that county to the county treasurer, as provided in 61-2-107(2)(a), at the end of each quarter.

History: En. Sec. 3, Ch. 643, L. 1987; amd. Sec. 3, Ch. 751, L. 1991; amd. Sec. 2, Ch. 5, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 5 near middle of sentence, after "department shall", inserted "to the extent of the appropriation authorized for the purpose specified in this part". Amendment effective January 21, 1992.

Effective Date — Termination: Section 7(1), Ch. 5, Sp. L. January 1992, provided that this section is effective on passage and ap-

proval (approved January 21, 1992) and terminates July 1, 1993.

1991 Amendment: Inserted reference to county portion of proceeds and reference to 61-2-107(2)(a).

CHAPTER 5

DRIVERS' LICENSES

Part 1

Licensing Provisions

61-5-121. *(Temporary)* **Disposition of fees.** (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) Except as provided in subsection (3), if the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing licenses or duplicate licenses.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) Except as provided in subsection (3), if the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing motorcycle endorsements.

(d) The amount of 17.5% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) The amount of 53.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 3.75% of each commercial vehicle operator's endorsement fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(g) The amount of 95% of each motorcycle endorsement fee must be deposited into the state traffic education account in the state special revenue fund.

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g).

(3) On or before June 30, 1993, the balance in the driver's license collections account in the state special revenue fund collected pursuant to subsections (1)(b)(ii) and (1)(c)(ii) must be transferred to the general fund. *(Terminates July 1, 1993—sec. 7(1), Ch. 5, Sp. L. January 1992.)*

61-5-121. *(Effective July 1, 1993)* **Disposition of fees.** (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the general fund.

(d) The amount of 17.5% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of 53.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 3.75% of each commercial vehicle operator's endorsement fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(g) The amount of 95% of each motorcycle endorsement fee must be deposited into the state traffic education account in the state special revenue fund.

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g).

History: En. Sec. 3, Ch. 277, L. 1985; amd. Sec. 13, Ch. 503, L. 1985; amd. Sec. 115, Ch. 370, L. 1987; amd. Sec. 18, Ch. 443, L. 1987; amd. Sec. 4, Ch. 62, L. 1989; amd. Sec. 1, Ch. 217, L. 1989; amd. Sec. 1, Ch. 275, L. 1989; amd. Sec. 12, Ch. 398, L. 1989; amd. Sec. 2, Ch. 584, L. 1991; amd. Sec. 9, Ch. 701, L. 1991; amd. Sec. 2, Ch. 726, L. 1991; amd. Secs. 3, 5, Ch. 5, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendments: (Temporary version) Section 3, Ch. 5, at beginning of (1)(b)(ii) and (1)(c)(ii) inserted exception clause; and inserted (3) pertaining to the deposit of certain fees into the general fund on or before June 30, 1993. Amendment effective January 21, 1992.

(Version effective July 1, 1993) Section 5, Ch. 5, at end of (1)(b)(ii) substituted deposit in the general fund for deposit in the state special revenue fund to defray costs of issuing licenses or duplicate licenses; at end of (1)(c)(ii) substituted deposit in the general fund for deposit in the state special revenue fund to defray costs of issuing motorcycle endorsements; and at beginning of (1)(e) inserted "In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii)". Amendment effective July 1, 1993.

Effective Date — Termination: Section 7(1), Ch. 5, Sp. L. January 1992, provided that this section is effective on passage and approval (approved January 21, 1992) and terminates July 1, 1993.

1991 Amendments: Chapter 584 in (1)(d), near middle after "duplicate driver's license fee", deleted "and the amount of 35% of each motorcycle endorsement fee"; in (1)(e), near middle after "duplicate driver's license fee", deleted "and the amount of 60% of each motorcycle endorsement fee"; inserted (1)(g) con-

cerning depositing 95% of motorcycle endorsement fee into motorcycle safety training account (now state traffic education account, pursuant to sec. 9, Ch. 701, L. 1991, a coordination instruction); and in (2)(a), near end of second sentence, and in (2)(b), near end of first sentence, inserted "the motorcycle safety training account" (now state traffic education account, pursuant to sec. 9, Ch. 701, L. 1991, a coordination instruction) and at end of each subsection inserted reference to 61-5-121(1)(g). Amendment effective July 1, 1991.

Chapter 726 in (1)(a) reduced amount of fee deposited in state special revenue fund from 33 ⅓% to 25%; in (1)(b)(i) reduced amount of fee deposited in county general fund from 5% to 3.75%; in (1)(d) reduced amount of fee deposited in traffic education account from 23 ⅓% to 17.5%; in (1)(e) increased amount of fee deposited in state general fund from 38 1/3% to 53.75%; and in (1)(f) reduced amount of fee deposited in county general fund from 5% to 3.75%. Amendment effective July 1, 1991.

Coordination instruction: Section 9, Ch. 701, L. 1991, provided: "If House Bill No. 560, including provisions amending 61-5-121 to deposit money in the motorcycle safety training account, is passed and approved, then [section 1 of House Bill No. 560] [amending 61-2-406 (repealed sec. 8, Ch. 701, L. 1991)] is void and the code commissioner shall change "motorcycle safety training account" in 61-5-121, as amended by House Bill No. 560, to "state traffic education account"." House Bill No. 560 was approved April 23, 1991, as Ch. 584, L. 1991, and included amendments to 61-5-121. Therefore, the Code Commissioner has changed the reference to the state traffic education account as indicated in the coordination instruction.

CHAPTER 12

MISCELLANEOUS PROVISIONS

Part 5

Identification Cards

61-12-504. *(Temporary)* **Fees for identification cards — disposition of fees.** (1) Fees not in excess of $1 for identification cards issued pursuant to this part must be collected and credited to a state special revenue fund to be known as the Montana highway patrol identification card fund. Except as provided in subsection (2), the fund must be used by the department to defray the cost of issuing identification cards.

(2) On or before June 30, 1993, the balance in the Montana highway patrol identification card fund must be transferred to the general fund. *(Terminates July 1, 1993—sec. 7(1), Ch. 5, Sp. L. January 1992.)*

61-12-504. *(Effective July 1, 1993)* **Fees for identification cards.** Fees not in excess of $1 for identification cards issued pursuant to this part must be collected and deposited in the general fund.

History: En. Sec. 5, Ch. 53, L. 1971; R.C.M. 1947, 31-174; amd. Sec. 3, Ch. 277, L. 1983; amd. Sec. 1, Ch. 503, L. 1985; amd. Secs. 4, 6, Ch. 5, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendments: (Temporary version) Section 4, Ch. 5, in (1), at beginning of second sentence, inserted exception clause; inserted (2) requiring transfer of funds to the general fund on or before June 30, 1993; and made minor changes in style. Amendment effective January 21, 1992.

(Version effective July 1, 1993) Section 6, Ch. 5, at end substituted requirement of deposit in the general fund for deposit in the Montana highway patrol identification card fund for use by Department to defray costs of

issuing identification cards; and made minor changes in style. Amendment effective July 1, 1993.

Effective Date — Termination: Section 7(1), Ch. 5, Sp. L. January 1992, provided that this section is effective on passage and approval (approved January 21, 1992) and terminates July 1, 1993.

TITLE 77

STATE LANDS

CHAPTER 1

ADMINISTRATION OF STATE LANDS

Part 6

Development of State Lands

77-1-602. *(Temporary)* **Definition of terms.** Unless the context requires otherwise, in this part the following definitions apply:

(1) "Account" means the resource development account in the state special revenue fund.

(2) "Income" means all proceeds received for the use of state land except revenue required by law to be placed in the Montana nonexpendable trust fund type and revenue from the sale of timber. *(Terminates June 30, 1993—sec. 6, Ch. 14, Sp. L. January 1992.)*

77-1-602. *(Effective July 1, 1993)* **Definition of terms.** Unless the context requires otherwise, in this part the following definitions apply:

(1) "Account" means the resource development account in the state special revenue fund.

(2) "Income" means all proceeds received for the use of state land except revenues required by law to be placed in the Montana nonexpendable trust fund type.

History: En. Sec. 2, Ch. 295, L. 1967; amd. Sec. 106, Ch. 428, L. 1973; R.C.M. 1947, 81-2402; amd. Sec. 36, Ch. 281, L. 1983; amd. Sec. 5, Ch. 14, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 14 at end of (2) inserted "and revenue from the sale of timber"; and made minor changes in style. Amendment effective February 4, 1992.

Termination: Section 6, Ch. 14, Sp. L. January 1992, provided that this section terminates June 30, 1993.

Cross-References

The Enabling Act, sec. 11.

Trust and agency fund types — state special revenue fund, 17-2-102.

School Trustees to hold property in trust, 20-6-602.

Interest and income money, 20-9-341.

Income from state lands:

land donated for forestry purposes, 77-1-216.

for granting an easement, 77-2-106.
sale of state land, 77-2-337.
prospecting permits, 77-3-106.
mining lease, 77-3-116.
nonmetallic minerals except coal, oil, and gas, 77-3-206.
coal, 77-3-318.
oil and gas — credited to general fund unless otherwise disposed of, 77-3-436.
underground storage of natural gas, 77-3-501.
geothermal resources, 77-4-127.
surface leases, Title 77, ch. 6, part 5.

TITLE 90

PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 3

MONTANA SCIENCE AND TECHNOLOGY FINANCING ACT

Part 3

Investments — Appropriations

90-3-305. *(Temporary)* **Science and technology development account.** (1) There is a science and technology development account within the state special revenue fund established in 17-2-102.

(2) There must be paid into the science and technology development account:

(a) the payback of principal and earnings on a research and development project loan, made from a source other than the Montana permanent coal tax trust fund, executed under this chapter; and

(b) all payback of principal and earnings to the board from any agreements executed by the board between July 1, 1985, and March 31, 1989.

(3) Any time the balance of the science and technology development account exceeds $50,000, the board shall transfer the amount of the balance in excess of $50,000 to the general fund. *(Terminates June 30, 1993—sec. 3, Ch. 9, Sp. L. January 1992.)*

90-3-305. *(Effective July 1, 1993)* **Science and technology development account.** (1) There is a science and technology development account within the state special revenue fund established in 17-2-102.

(2) There must be paid into the science and technology development account:

(a) the payback of principal and earnings on a research and development project loan, made from a source other than the Montana permanent coal tax trust fund, executed under this chapter; and

(b) all payback of principal and earnings to the board from any agreements executed by the board between July 1, 1985, and March 31, 1989.

History: En. Sec. 15, Ch. 316, L. 1989; amd. Secs. 8, 12, Ch. 594, L. 1991; amd. Sec. 1, Ch. 9, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 9 inserted (3) relating to transfer of excess funds. Amendment effective January 21, 1992.

Effective Date — Termination: Section 3, Ch. 9, Sp. L. January 1992, provided: "[This act] is effective on passage and approval [approved January 21, 1992], and [section 1] [90-3-305] terminates June 30, 1993."

1991 Amendment: In (2)(a), after "loan", inserted "made from a source other than the Montana permanent coal tax trust fund". Amendment effective April 24, 1991.

Coordination Instruction — Code Commissioner Change: Section 12, Ch. 594, L. 1991, a coordination section, provided: "If Senate Bill No. 26 is passed and approved, if it includes a section that amends 17-6-308, and if it includes amendments that replace references to the "in-state investment fund" with "permanent coal tax trust fund", then in [this act], the code commissioner shall make similar changes." Senate Bill No. 26 was approved April 24, 1991, as Ch. 589, L. 1991, and included amendments replacing references to the funds as contemplated in the coordination instruction. The Code Commissioner has therefore substituted "permanent coal tax trust fund" for "in-state investment fund" in subsection (2)(a).

Part 5

Science and Technology Development Project Loan Program

90-3-525. Deposit of payback. (1) The payback of principal and earnings on a research and development project loan from a source other than the Montana permanent coal tax trust fund must be deposited to the state special revenue fund to the credit of the science and technology development account created in 90-3-305.

(2) All paybacks of principal and earnings to the board from any agreements executed by the board between July 1, 1985, and March 31, 1989, must be deposited to the state special revenue fund to the credit of the science and technology development account created in 90-3-305 for use by the board. The paybacks include all those received after January 1, 1989.

History: En. Sec. 14, Ch. 316, L. 1989; amd. Sec. 13, Ch. 589, L. 1991; amd. Secs. 10, 12, Ch. 594, L. 1991; amd. Sec. 2, Ch. 9, Sp. L. January 1992.

Compiler's Comments

1992 Special Session Amendment: Chapter 9 at beginning of (1), after "The", deleted "payback of principal and earnings on a seed capital project loan executed under this chapter or on a research and development project loan from the Montana permanent coal tax trust fund or the". Amendment effective January 21, 1992.

1991 Amendments: Chapter 589 in (1), near middle after "chapter", deleted "must be administered pursuant to section 17-6-306"; and made minor change in style. Amendment effective July 1, 1991.

Chapter 594 in (1), after "chapter", inserted "or on a research and development project loan from the Montana permanent coal tax trust fund"; and in (2), after "loan", inserted "from a source other than the Montana permanent coal tax trust fund". Amendment effective April 24, 1991.

Intellectual Property Assessment — Report and Recommendations Required: Section 11, Ch. 594, L. 1991, provided: "The university system shall conduct an assessment of its intellectual property management programs and policies. Based on the assessment, the board of regents shall consider the adoption of

a system of intellectual property management that will provide a coordinated and effective method of meeting payback requirements for research and development project loans made to organizations, individuals, and other entities within the university system. The assessment must be coordinated with the Montana board of science and technology development, and a final report and recommendations must be presented to the board by January 1, 1992."

Coordination Instruction — Code Commissioner Change: Section 12, Ch. 594, L. 1991, a coordination section, provided: "If Senate Bill No. 26 is passed and approved, if it includes a section that amends 17-6-308, and if it includes amendments that replace references to the "in-state investment fund" with "permanent coal tax trust fund", then in [this act], the code commissioner shall make similar changes." Senate Bill No. 26 was approved April 24, 1991, as Ch. 589, L. 1991, and included amendments replacing references to the funds as contemplated in the coordination instruction. The Code Commissioner has therefore substituted "permanent coal tax trust fund" for "in-state investment fund" in subsections (1) and (2).